



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P. (MD) Nos.16589 of 2014

WEB COPY

R.Gandhi

... Petitioner

vs.

1.State through rep. By

The Superintendent of Police,
Madurai Rural.

2.The Inspector of Police,

Oometchikulam, Appan Thirupathi Police Station,
Madurai

Crime No.876 of 2014.

3.The Inspector of Police,

CBCID Police,
Madurai.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, praying to direct the 1st respondent to transfer and entrust the case for investigation in Crime No.876 of 2014, from the file of the 2nd respondent to the 3rd respondent and to file a final report before the jurisdictional Judicial Magistrate within a stipulated period of time framed by this Court.

For Petitioner

: Mr.T.K.Gopalan

For Respondents : Mrs.S.Prabha

Govt.Advocate (crl.side)

ORDER

The petitioner is the mother of the deceased. The deceased was a student. A case has been registered in Crime No.876 of 2014 for the offence under Section 174 of Cr.P.C., on the ground that the deceased fell down accidentally from the steps of the well and drowned. Seeking a transfer of the investigation, the present Criminal Original Petition has been filed.

2. Mr.T.K.Gopalan, the learned counsel appearing for the petitioner submitted that the petitioner has specifically stated in the complaint and also before the Investigating Officer that she was informed by the deceased that he was threatened to done ~~injuries~~ named students. No proper investigation has been done, except receiving their statements. He also submitted that injuries has not been explained, especially, when the deceased was



said to have been died by drowning. The allegation is that the deceased wants to clean his body from the steps and he fell down in the well. If that is true, there could not have been any injuries. Therefore, investigation has to be transferred.

3. Per contra, Ms.Prabha, the learned Government Advocate (crl.side) appearing for the respondents submitted that all the witnesses have been examined and statements have been obtained and recorded under Section 161 Cr.P.C. The investigation reveal that it is case of accident and there is no involvement of anybody.

4. This Court heard the submissions made on either side and perused the materials available on record.

5. The statement made by the petitioner about the threat extended to the deceased has not been examined. Though the Doctor has given opinion, the question as to whether such injuries could happen from the facts narrated has not been looked into. Though there are aberration on the body of the deceased, there was bleeding from his nose. If he had fallen down directly into the well containing water, then there is no possibility of injuries. There is nothing to suggest that such is a case from the evidence of witnesses recorded. The Investigating Officer has not looked into this fact. Considering the same, this Court is inclined to transfer the investigation. Accordingly, a direction is issued to the Superintendent of Police, the Madurai Rural, the first respondent herein, to transfer the investigation in Crime No.876 of 2014, from the file of the Inspector of Police, Oomatchikulam, Madurai, the 2nd respondent herein, to any other officer. The the investigation should be completed, under the supervision of the Superintendent of Police, Madurai Rural, and to file a final report before the jurisdiction Court, as expeditiously as possible.

Accordingly, this petition is ordered.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police, Madurai Rural.

2.The Inspector of Police,

Oometchikulam, Appan Thirupathi Police Station,
Madurai, Crime No.876 of 2014.

3.The Inspector of Police, CBCID Police, Madurai.

4.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+One cc to M/S.T.K.GOPALAN, Advocate, SR.no.11397

mpk

RL/6c- 1/7/2015

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