



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.OP.(MD)No.5025 of 2015

S.Thirumalai Kumar

: Petitioner

Vs.

1.The Joint Director,
CBI, Chennai.

2.The Inspector of Police,
CBCID, Trichy.

3.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in respect of Crime No.3 of 2013 on the file of the third respondent to the file of the first respondent and pass orders.

For Petitioner : Mr.M.Sureshkumar

For Respondent No.1 : Mr.S.Jayakumar

Special Public Prosecutor

For Respondent Nos.2&3: Mr.C.Mayil Vahana Rajendran

Additional Public Prosecutor

O R D E R

The petitioner is the father of one T.Spatica. She was a student of M.B.B.S., Course in SRM Medical College in Thiruchirappalli. She was found hanging in the Hostel on 03.01.2013. In respect of the death of T.Spatica, the present case in Crime No.3 of 2013, under Section 174 of the Code of Criminal Procedure was registered and the same is under investigation. Now, the petitioner has come up with the present Criminal Original Petition seeking to transfer the case to CBI.

2. I have heard the learned counsel for the petitioner, the learned Special Public Prosecutor for the first respondent, the learned Additional Public Prosecutor for the respondents 2 and 3 and perused the records carefully.

3. Mr.C.Mayil Vahana Rajendran, the learned Additional Public Prosecutor would submit that the investigation is taken in the right direction. As a matter of fact, during investigation, a death note left behind by the deceased was seized and in order to ascertain the handwriting, steps have been taken for getting expert opinion. As soon as



such opinion is obtained, final report would be filed. Thus, according to the learned Additional Public Prosecutor, there can no grievance for the petitioner to get the case transferred to CBI.

4. Mr.S.Jeyakumar, the learned Special Public Prosecutor for the first respondent, would submit that the CBI is already over burdened with lot of investigations. If the present case is also transferred to the CBI, this will only add more workload to the CBI, which will be a hindrance for the CBI to concentrate in many other cases, which are already pending, which have got international ramifications.

5. I have considered the above submissions. The crux of the case lies on the genuineness of the death note left behind by the deceased. It has been sent for expert opinion. Based on such opinion, any more further progress could be made in this case. From the records available, I do not find any reason to doubt the investigation done by the third respondent. Therefore, I do not find any reason to transfer the investigation to CBI. But, at the same time, I deem it appropriate to issue a direction to the Director of Forensic Lab, Chennai, to offer the opinion, as sought for by the Inspector of Police, Samayapuram Police Station.

6. In the result, this Criminal Original Petition is dismissed. However, a direction is issued to the Director of Forensic Lab, Chennai, to offer the opinion, as sought for by the Inspector of Police, Samayapuram Police Station, as expeditiously as possible, preferably, within a period of one month from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

- To
- 1.The Director of Forensic Lab, Chennai.
 - 2.The Joint Director, CBI, Chennai.
 - 3.The Inspector of Police, CBCID, Trichy.
 - 4.The Inspector of Police, Samayapuram Police Station, Trichy District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. M.Suresh Kumar, Advocate in SR.No 34447

TS/ 13.07.2015/2P - 7C