



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD)No.8028 of 2015

Thangappan

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
Aathankottai Police Station,
Pudukkottai District,
In Crime No.77 of 2014.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., praying to set aside the cognizance taken by the Judicial Magistrate, Pudukkottai in C.C.No.231 of 2014 and subsequently to direct the first respondent to further investigate the case in Crime No.77 of 2014 on the file of the second respondent to some other impartial agency from the second respondent under the supervision of the first respondent and pass orders.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. Side)

O R D E R

This petition has been filed under Section 482 of Cr.P.C., to set aside the cognizance taken by the Judicial Magistrate, Pudukkottai in C.C.No.231 of 2014 and subsequently to direct the first respondent to further investigate the case in Crime No.77 of 2014 on the file of the second respondent to some other impartial agency, under the supervision of the first respondent

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the state.

3. The petitioner is the father of the deceased. The case has been registered under Section 304(a) of IPC, on the death of the deceased, which has been taken on file in C.C.No.231 of 2014 on the file of the learned Judicial Magistrate, Pudukkottai. Thereafter, the petitioner gave a complaint alleging that the death must be a result of an attack by some unknown persons. As



the representations of the petitioner dated 16.02.2015 and 26.02.2015 have not been considered by the second respondent, this petition is filed.

4. The remedy open to the petitioner is to approach the learned Judicial Magistrate, Pudukkottai seeking relief under Section 173(8) of Cr.P.C. Therefore this petition is dismissed, giving liberty to the petitioner to file a petition under Section 173(8) of Cr.P.C. In such case, the learned Judicial Magistrate, Pudukkottai is directed to issue appropriate orders.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

Sub Assistant Registrar

pjl

To

1.The Judicial Magistrate, Pudukkottai

2.The Superintendent of Police,
Pudukkottai District.

3.The Inspector of Police,
Aathankottai Police Station,
Pudukkottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.B.ANANDAN,ADVOCATE IN SR NO.22605

Cr1.O.P.(MD).No.8028 of 2015
27.04.2015

RG.11.05.2015

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