

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.13376 of 2016

V.Mani .. Petitioner
Vs

1. State by Inspector of Police,
Railway Police Station,
Jolarpet (GRP/CNI) Vellore District.
2. The District Superintendent of Police,
Vellore, Vellore District. ..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the case pending investigation in Crime No.111 of 2016 dated 23.02.2016 on the file of Railway Police Station, Jolarpet, Vellore District, the 1st respondent herein to some other independent investigating agency either to the CBCID or to the CBI.

For Petitioner : Mr.T.R.Ravi

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to transfer the case pending investigation in Crime No.111 of 2016 dated 23.02.2016 on the file of Railway Police Station, Jolarpet, Vellore District, the 1st respondent herein to some other independent investigating agency either to the CBCID or to the CBI.

2. It is seen that two female dead bodies were found lying in the railway track, in connection with which on the complaint lodged by the Station Master of Jolarpet Railway Station, the respondent police registered a case in crime No. 111 of 2016 dated 23.02.2016 under Section 174 Cr.Pc. While so, the father of one of the girls approached this Court for a direction to transfer the investigation in Crime No.111 of 2016 from the file of the Railway Police to any other independent agency.

3. Today, the respondent police have filed a status report, in which it is stated that they examined about

thirteen witnesses initially and further ten more witnesses have been examined. The petitioner had given a representation dated 29.02.2016 alleging that he suspects involvement of one Duraimurugan, Karthi and a relative of Muthu in the death of his daughter. In this connection, nine more witnesses were examined by the respondent police and it was found that the said Duraimurugan, Karthi and relative of Muthu were not in any way connected with the case. The post mortem report states that the deceased would appear to have died due to "HAEMORRHAGE, SHOCK DUE TO INJURIES TO VITAL ORGANS LIKE BRAIN". In para 12 of the status report, it is stated as follows:-

"It is further submitted that on perusal of the CD file, statements of the witnesses, Inquest report, Post-Mortem report of the deceased and the statement of the medical officer, it was concluded that the death of the two deceased girls, in this case was due to train accident; trespass the train track and further action was dropped on 06.04.2016."

4. In view of the above, the respondent police is directed to file a closure report before the Judicial Magistrate No.III, Thiruppathur, after serving a copy of the report on the petitioner, so that the petitioner can file protest application before the concerned Court. In the considered opinion of this Court, this is not a fit case to order transfer of investigation.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

mk/gms
To

1. The Inspector of Police,
Railway Police Station,
Jolarpet (GRP/CNI) Vellore District.
 2. The District Superintendent of Police,
Vellore, Vellore District.
 3. Judicial Magistrate No.3, Thiruppathur.
 4. Additional Public Prosecutor.
- 1 cc to M/s.T.R.Ravi, Advocate, sr.48051

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rp co, kra 07.09.2016