

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.29138 of 2015
and M.P.No.1 of 2015

S.Manoj Chakravarthy

... Petitioner

Vs

1.The State rep.by
The Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore City.

2.Gopi,
Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore City.

3.The Superintendent of Police,
CBCID Cases,
Coimbatore.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to withdraw the case pending on the file of the respondent in CC.No.722 of 2015 and to transfer the same to the file of the 3rd respondent for conducting free, fair and impartial investigation to uphold the majesty of Justice.

For Petitioner : Mr.K.R.Samratt

For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to withdraw the case pending on the file of the respondent in CC.No.722 of 2015 and to transfer the same to the file of the 3rd respondent for conducting free, fair and impartial investigation.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. It appears that one Jagan Mohan died on 24.10.2015. In connection with which, on the complaint given by his wife Sujatha, the Inspector of Police, B-6, Peelamedu Police Station, Coimbatore has registered a case in Crime No.722 of 2015 on 24.10.2015 under Section 174 Cr.P.C. and investigation

is in progress. While so, the petitioner herein, who is the brother of Jagan Mohan has approached this Court for a direction to transfer the investigation from the file of B-6, Peelamedu Police Station, Coimbatore to any other agency, as he is not satisfied with the investigation.

4. Learned counsel for the petitioner submitted that there is suspicion in the death of Jagan Mohan, inasmuch as the Post Mortem Certificate shows that Hyoid bone - intact. That apart, it is the contention of the petitioner that Sujatha was already married to someone and that marriage was suppressed and she got married to Jagan Mohan and therefore, the sudden death of Jagan Mohan does rise some suspicion.

5. Learned Additional Public Prosecutor submitted that the Viscera report itself has not been sent to the respondent Police and investigation is in progress. The Police have not come to any conclusion with regard to the death of Jagan Mohan as on date.

6. Under such circumstances, it is preposterous for this Court to conclude that the investigation is not proceeding in the right lines and therefore, the prayer for transfer of investigation is negatived. However, the Investigating Officer is directed to make thorough enquiry with the petitioner and other relatives of the deceased and take action in accordance with law. The Assistant Commissioner of Police, Coimbatore is directed to monitor the investigation in B-6, Peelamedu Police Station Crime No.722 of 2015.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Assistant Commissioner of Police,
B-6, Peelamedu Police Station,
Coimbatore.

2.The Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore City.

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3.The Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore City.

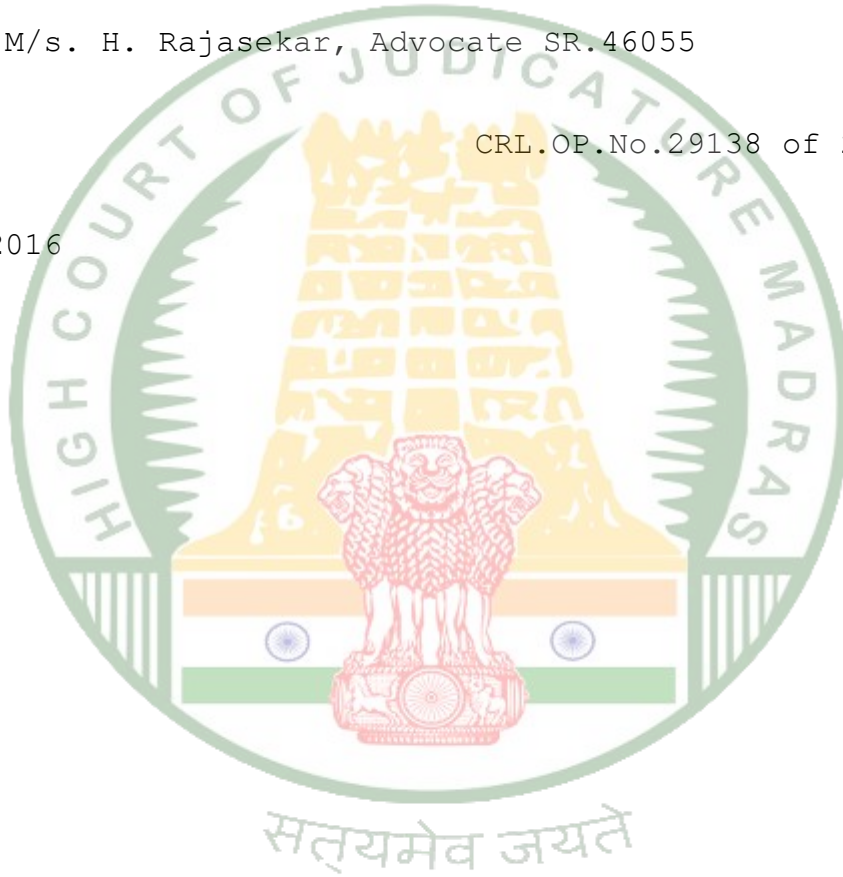
4.The Superintendent of Police,
CBCID Cases, Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. H. Rajasekar, Advocate SR.46055

CRL.OP.No.29138 of 2015

RK(CO)
Eu 21.09.2016



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