

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.Nos.7122 of 2014 & 30615 of 2015

Crl.O.P.No.7122 of 2014

B.Partheeban
S/o.Late V.Bakthavachalam ... Petitioner

Vs.

1.The Superintendent of Police (Rural)
Puducherry

2.Station House Officer
Nettapakkam Police Station
Puducherry
(Crime No.19/2014)

3.The Superintendent of Police
Special Crime Branch
Central Bureau of Investigation
Rajaji Bhavan, Besant Nagar
Chennai - 600 090.

4.Chief Secretary to Government
Government of Puducherry. ... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C. to direct the respondent police to transfer the investigation of the case in crime no.19 of 2014 pending on the file of the 2nd respondent police to the file of the 3rd respondent police and also direct the 3rd respondent to conduct fresh post-mortem of the deceased V.Bakthavachalam.

For Petitioner : Mr.R.Thiagarajan

For Respondents: Mr.V.Balamurugane, A.P.P., (Pondicherry)

Cr1.O.P.No.30615 of 2015

B.Partheeban
S/o.Late V.Bakthavachalam

... Petitioner

Vs.

Station House Officer
Nettappakkam Police Station
Puducherry

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C. to direct the respondent to file a final report in Crime No.19 of 2014, pending on the file of the Station House Officer, Nettappakkam Police Station, Puducherry.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.V.Balamurugane, A.P.P., (Pondicherry)
for R1, R2 and R4

C O M M O N O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Pondicherry) appearing for the respondents.

2. The learned counsel appearing for the petitioner would submit that the petitioner herein is none other than the son of the deceased Bakthavachalam who is alleged to be an accused in Crime No.16/2014. Since the said Bakthavachalam died on the very next day after he was released from jail, a complaint had been preferred and a case has been registered in Crime No.19/2014 for an offence under Section 174 Cr.P.C. But the investigating agency has not shown any interest to investigate the matter and file a final report. Hence, the petitioner has filed the petition in Cr1.O.P.No.30615 of 2015 to direct the respondent police to file a final report in Crime No.19 of 2014. The petitioner had also filed Cr1.O.P.No.7122 of 2014 to direct the respondent police to transfer the investigation of the case in crime no.19 of 2014 to Central Bureau of Investigation and also to conduct fresh post-mortem of the deceased Bakthavachalam.

3. At this juncture, learned Additional Public Prosecutor (Pondicherry) would submit that already the action has been dropped on the ground of the Post-Mortem report which states

that the deceased Bakthavachalam had died of intra-cranial hemorrhages under the influence of alcohol.

4. Admittedly, the deceased Bakthavachalam had sustained head injuries. But in Crime No.17/2014, neither the A.R copy nor the wound certificate was produced. Further, even though the deceased Bakthavachalam was arrested and remanded to judicial custody, he was sent to hospital and after he was released from jail, he died the very next day. On perusal of the Post-Mortem report would show that nothing has been done in the skull, even though he had sustained injuries in the forehead.

5. In such circumstances, I am of the view that the investigating officer had not conducted the investigation in a proper manner and he had flouted the procedures. So, it is a fit case to set aside the action drop report and direct the Superintendent of Police, CBCID, Puducherry to further investigate the matter. Accordingly, the Superintendent of Police, CBCID, Puducherry is directed to take up the matter and investigate the case in Crime No.19/2014 along with Crime Nos.16 and 17 of 2014 and file a final report in accordance with law, as expeditiously as possible. Further, the Investigating agency is also directed to exhume the body to find out the real cause of death, if necessary.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1.The Superintendent of Police (Rural),
Puducherry.

2.Station House Officer,
Nettapakkam Police Station,
Puducherry,
(Crime No.19/2014).

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3.The Superintendent of Police (CBCID),
Puducherry.

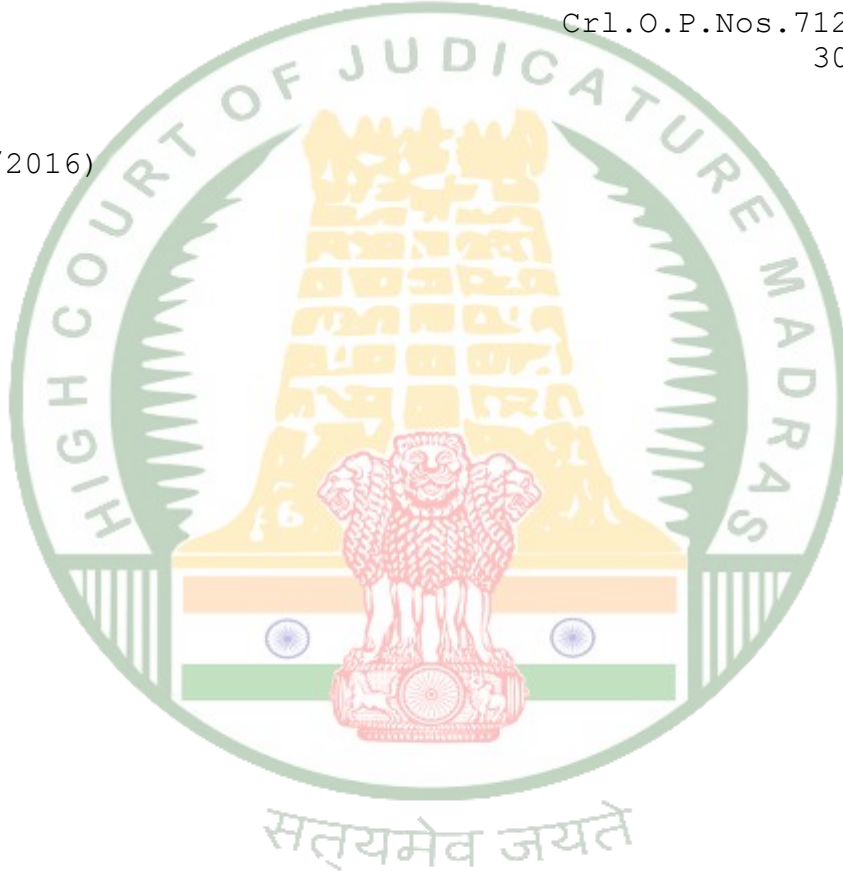
4.The Public Prosecutor (Pondicherry),
High Court, Madras.

+1cc to Mr.R.Thiyagarajan, Advocate, S.R.No.10885

+1cc to Mr.R.Thiyagarajan, Advocate, S.R.No.10886

Crl.O.P.Nos.7122 of 2014 &
30615 of 2015

sns (CO)
srg (26/02/2016)



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