

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.21352 of 2016

A.Amutha

Petitioner

vs.

1.The Superintendent of Police
Vellore District, Vellore.

2.The State rep by
Inspector of Police
Natrampalli Police Station
Vellore District. Crime No.70/2016

3.The State rep by
Inspector of Police
CB CID, Vellore District.

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to direct the first respondent herein to withdraw the investigation in Cr.No.70 of 2016 on the file of the 2nd respondent herein and to transfer the same to the 3rd respondent herein or to any other independent investigating agency to conduct thorough investigation in Cr.No.70/2016 on the file of the 2nd respondent police, in accordance with law.

For petitioner : Mr.D.Balachandran

For respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent herein to withdraw the investigation in Cr.No.70 of 2016 on the file of the 2nd respondent herein and to transfer the same to the 3rd respondent herein or to any other independent investigating agency to conduct thorough investigation in Cr.No.70/ 2016 on the file of the 2nd respondent police, in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint of Amutha, that her daughter Indumathi died in Ramachandra Hospital on 14.02.2016, the respondent police registered a case in Cr.No.70 of 2016 on 15.02.2016 u/s 174 Cr.P.C. Now, Amutha has filed this petition for transfer of the case in Cr.No.70 of 2016 from the file of the second respondent police to any other agency for re-investigation.

4. Learned Additional Public Prosecutor submitted that post-mortem was conducted on the body of the deceased Indumathi and produced the post-mortem certificate. On a perusal of the post-mortem certificate, it is seen that the Doctors have opined as follows:

"The deceased would appear to have died due to chronic liver disease and its complications."

The respondent police also conducted thorough investigation and have filed a closure report before the Revenue Divisional Officer, Tiruppathur on 03.09.2016.

5. Under such circumstances, this Court directs the Revenue Divisional Officer, Tiruppathur to take photocopies of all the records and keep the same in his file and send the original records in Cr.No.70 of 2016 to the Judicial Magistrate No.3, Tiruppathur within four weeks from the date of receipt of a copy of this order. Thereafter, it is open to the petitioner to file a protest application before the Judicial Magistrate No.3, Tiruppathur and on such protest application being filed, within a reasonable time, the Judicial Magistrate No.3, Tiruppathur shall pass orders in accordance with the law laid down by the Supreme Court in **Vinay Tyagi vs. Irshad Ali @ Deepak and others [(2013) 5 SCC 762]**.

With the above direction, this petition is closed.

gms

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Superintendent of Police
Vellore District, Vellore.

2.The Inspector of Police
Natrampalli Police Station
Vellore District.

3.The Inspector of Police
CB CID, Vellore District.

4.The Public Prosecutor,
High Court, Madras.

5.The Revenue Divisional Officer
Thiruppathur
Vellore District.

6.The Judicial Magistrate No.3
Thiruppathur

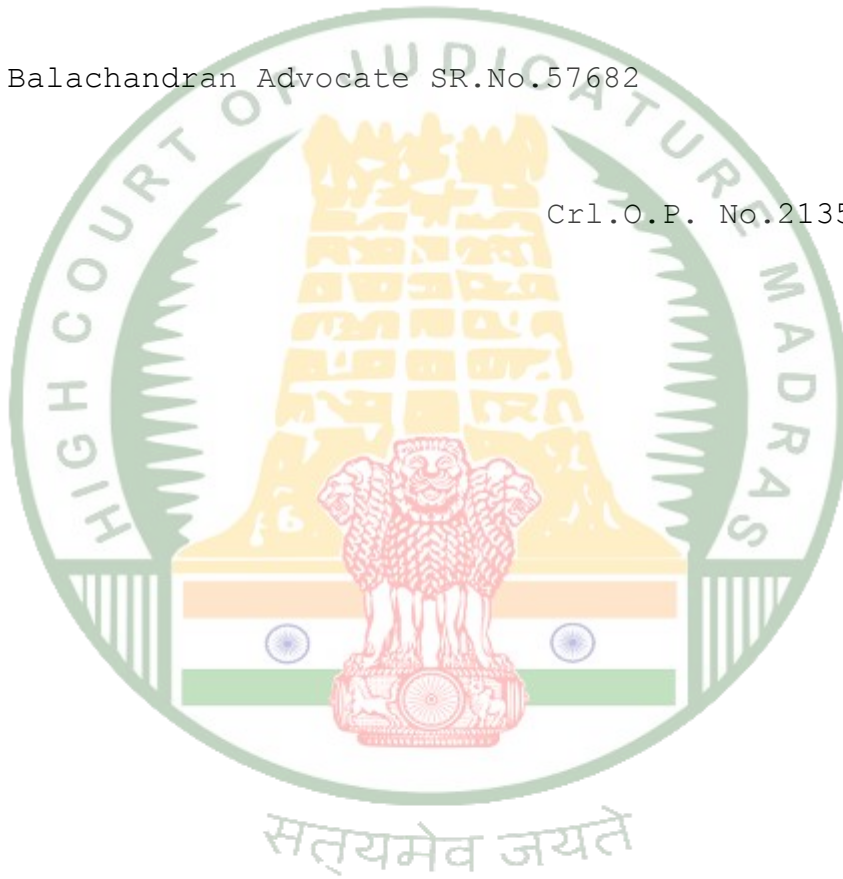
7.The Chief Judicial Magistrate,
Vellore.

+1 CC Mr.D.Balachandran Advocate SR.No.57682

Cr1.O.P. No.21352 of 2016

RV

MSI 26/10/2016



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