

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.25498 of 2016

Pachaiammal

...Petitioner

Vs.

1. State Rep. By

The Inspector of Police,
Omalur Police Station,
Omalur, Salem.

2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Mettur, Salem District.

3. The Superintendent of Police,
Office of the CBCID,
Salem District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to order transfer of investigation in case file in Crime No.244 of 2014 from the file of 2nd respondent to the 3rd respondent to conduct the impartial re-investigation in the above case with suitable direction to file final report within the reasonable time.

For Petitioner :Mr.R.Ganesh Babu

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

O R D E R

This Criminal Original Petition has been filed seeking transfer of investigation in Crime No.244 of 2014 from the file of the 2nd respondent to the file of the third respondent to conduct an impartial re-investigation in the case.

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

3. In Crl.OP.No.9585 of 2015, this Court passed an order dated 21.07.2015, which reads as follows:-

"2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for respondents and perused the materials placed on record. 3. It is seen that on a complaint lodged by one Periasamy, the respondent Police registered a case in Crime No.244 of 2014 on 13.03.2014 under Section 174 Cr.P.C in connection with the death of Ramasamy.

4. It is the case of the prosecution that Ramasamy was without employment and he was addicted to liquor and that he committed suicide by jumping into a 65 feet deep well. The Police completed investigation and have filed a Final Report as action dropped on 30.11.2014 before the jurisdictional Tahsilar, Omalur.

5. On a perusal of the Postmortem Report, this Court finds that there are certain injuries found on the body of the deceased which of course is being explained by the doctor by showing that these injuries could have occurred when the deceased jumped into 65 feet well.

6. Learned counsel for the petitioner produced the photographs of the well from where the body was fished out, which shows that there was only 3 feet water in the well. The Viscera Report also does not disclose the presence of alcohol in the stomach and other organs of the deceased. That apart, diatom is also not to be found in the lungs. All these thus raise doubt in the mind of this Court about the efficacy of the investigation.

7. Under such circumstances, this Court transfers the case from Omalur Police Station Crime No.244 of 2014 to the file of the Deputy Superintendent of Police, Mettur for proper investigation of the case. That apart, the Closure Report has not even been forwarded to the jurisdictional Magistrate, but has sent to Tahsildar only.

8. In the result, this Court directs the Inspector of Police, Omalur Police Station to hand over the entire case records in Crime No.244 of 2014 within one week, from the date of receipt of a copy of this order to the Deputy Superintendent of Police, Mettur who shall conduct further investigation in this case and take action in accordance with law.

4. Pursuant to the order passed by this Court, the Deputy Superintendent of Police has conducted the investigation and has concluded that the death of Ramasamy, was due to suicide. Challenging the investigation, the petitioner has filed the present Criminal Original Petition for transfer of investigation.

5. It is the grievance of the petitioner that the Deputy Superintendent of Police has not conducted proper investigation.

6. It is seen that the Deputy Superintendent of Police has recorded the statement of 21 witnesses including the doctors, who conducted the postmortem on the body of Ramasamy. Thereafter, he has concluded that the death of Ramasamy was not on account of homicide. It is a clear case of suicide as he was suffering from depression that he has not got an employment. That apart, he was caught by the local people, when he tried to take the gas cylinder from the house of one Sivakumar and unable to withstand the shame, he fell into the well and committed suicide.

7. This Court does not find any serious infirmity in the investigation conducted by the Deputy Superintendent of Police and hence, this case does not warrant transfer of investigation.

8. In the result, this Criminal Original Petition is dismissed as being devoid of merits.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Omalur Police Station,
Omalur, Salem.
2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Mettur, Salem District.

3. The Superintendent of Police,
Office of the CBCID, Salem District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.R.Ganeshbabu, Advocate Sr.68613

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srg 21/12/2016



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