

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2636 of 2016

R.Banumathi

... Petitioner

Vs.

1. The Superintendent of Police,
Vellore District, Vellore.

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

... Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the case pending on the file of the second respondent in Crime No.246 of 2015 to any other agency for conducting free, fair and impartial investigation to uphold the majesty of justice.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking a direction, directing the first respondent, the Superintendent of Police, Vellore District to transfer the investigation on the file of the second respondent to any other investigating agency for investigating the matter in Crime No.246 of 2015 stating that on 04.10.2015 at about 8.00 p.m., when the petitioner's husband and her son were proceeding towards Vettuvanam to Pallikonda in Vellore to Ambur Bey pass in a two wheeler, a vehicle has been stationed without any parking light during the rainy season. The deceased dashed against the parked vehicle, sustained injury and died. On the statement obtained from the son of the deceased, a case in Crime No,246 of 2015 has been registered on 05.10.2015 against the deceased person for the offences punishable under Sections 276, 337 and 304(A) of IPC.

2. Heard the submissions made by the learned counsel appearing on either side.

3. Learned counsel for the petitioner would submit that the parked vehicle has not followed the traffic rules which was stationed in the road without any parking light. But the respondent police instead of registering a case against the lorry driver registered a case against the deceased person. He further submitted that the investigation has not been fairly done. Hence, he pray for transfer of investigation.

4. Learned Additional Public Prosecutor would submit that the vehicle has been parked in the road since the tyre has got bursted and the deceased alone has driven the vehicle in a rash and negligent manner and hence, the case has been registered against him. He further submitted that the investigation is going on and there is no necessity for transferring the investigation.

5. Considering the rival submission made by both sides and on perusing the typed set of papers that since the petitioner had an apprehension in the mind that the second respondent police has not investigating the matter in a proper direction, it is a fit case for giving direction to the first respondent to depute the Deputy Superintendent of Police, Ambur to supervise the investigation done by the second respondent which will meet the ends of justice.

6. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vellore District, Vellore.
2. The Inspector of Police
Pallikonda Police Station
Vellore District.

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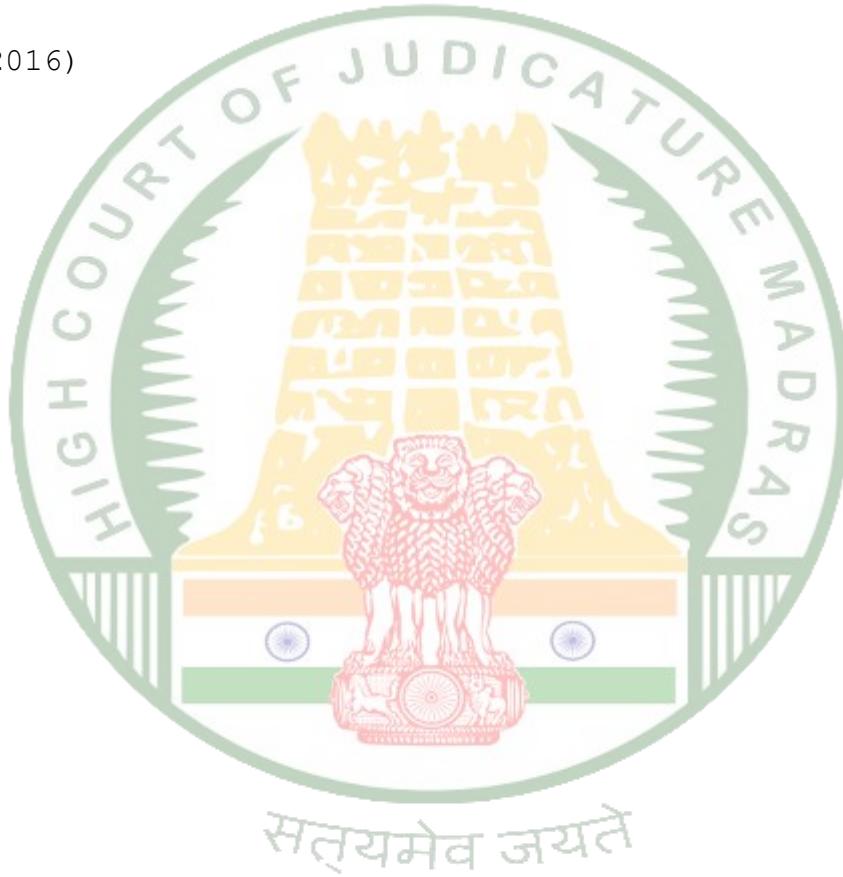
3. The Deputy Superintendent of Police,
Ambur, Vellore District.

4. The Public Prosecutor
High Court, Chennai.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.8053

Cr1.O.P.No.2636 of 2016

SR(CO)
CA(23/02/2016)



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