

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3286 of 2016

Anbalagan
S/o.Kasambu

.. Petitioner

Vs.

The State rep by
The Sub-Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District
Crime No.254/2013

.. Respondent

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying for a direction to transfer the case in Crime No.254/2013 from the file of the Sub-Inspector of Police, Chidambaram Taluk Police Station, Cuddalore District to the file of any competent investigating agency such as C.B.I or any other investigating agency as this court may deem fit.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor, for R1

O R D E R

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

2. The petitioner has come forward with this petition seeking for a direction to transfer the case in Crime No.254/2013 from the file of the Sub-Inspector of Police, Chidambaram Taluk Police Station, Cuddalore District to the file of any competent investigating agency such as C.B.I or any other investigating agency.

3. The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by one

Sivakumar, the brother-in-law of the deceased Gundu @ Karunakaran, a case in Crime No.254/2013 under Section 174 Cr.P.C has been registered. However, the 2nd respondent/police has not shown any interest to investigate the matter and file a final report. Further, the case ought to have been altered to Section 302 IPC. But the respondent did not do so and hence, the petitioner has come forward with this petition for the above stated relief.

4. Per contra, the respondent/police had filed a counter stating that on the basis of the complaint given by one Sivakumar, who is none other than the brother-in-law of the deceased Gundu @ Karunakaran, a case in Crime No.254/2013 under Section 174 Cr.P.C has been registered. It was further stated that the deceased along with his wife was residing at his brother-in-law's house. On 16.10.2013, the complainant came to know that the deceased had gone to his native place and thereafter, on 17.10.2013, the complainant was informed that Gundu @ Karunakaran had died by way of hanging in a mango tree. Hence, on the basis of the complaint preferred by the brother-in-law of the deceased Gundu @ Karunakaran, a case has been registered and the witnesses were examined. The body of the deceased Gundu @ Karunakaran was sent to post mortem and the Doctor has opined that the deceased appeared to have died of Asphyxia, probably due to hanging 18 - 36 hours prior to autopsy. Hence, on the basis of the post mortem certificate and the final opinion on the cause of the death, the Inspector of Police had dropped further action on 10.09.2015.

5. Considering the facts and circumstances of the case, I am of the view that the investigation has been conducted by the Inspector of Police, Tmt.Vasantha Kumari in a proper direction and further action has been dropped on the basis of the post mortem report. Hence, there is no necessity to transfer the case in Crime No.254/2013 from the file of the Sub-Inspector of Police, Chidambaram Taluk Police Station, Cuddalore District to the file of any competent investigating agency.

6. In fine, the Criminal Original Petition is dismissed.

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s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

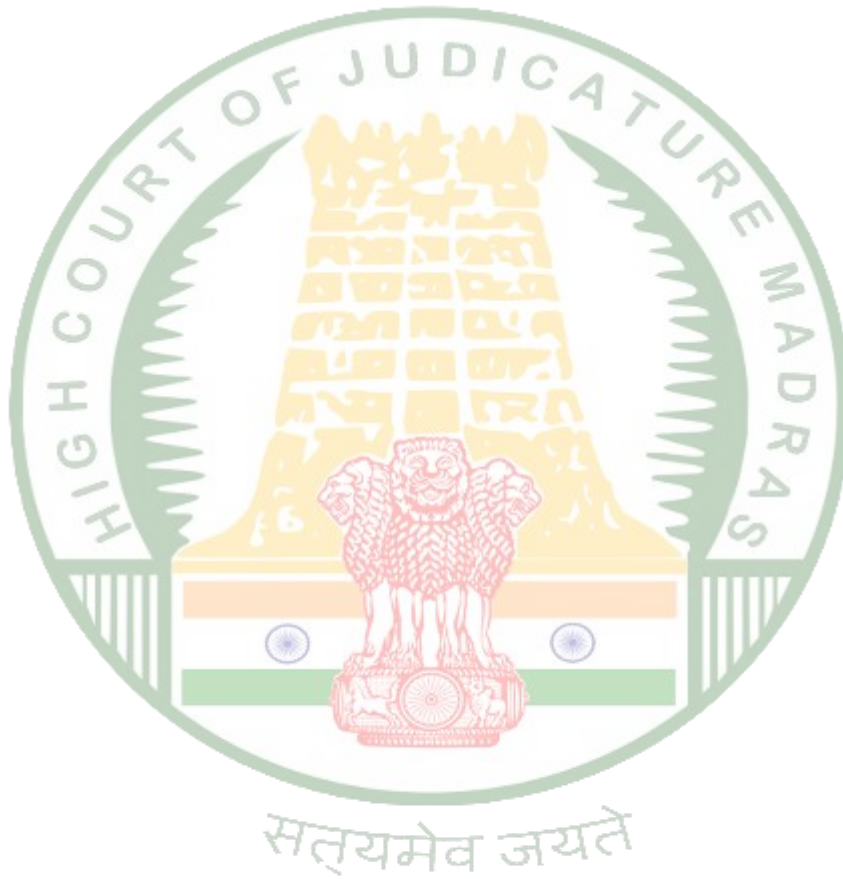
1. TheThe Sub-Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District

2. The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.R.Balakrishnan, Advocate, SR 14867

vgi(co)
prk 21/3

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