

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.3651 of 2016

Nagarajan

.. Petitioner

vs.

1.The State of Tamil Nadu
Rep by Secretary to Government
Home Department
Fort St.George
Chennai 600 009.

2.The State rep by
The Director General of Police
Kamarajar Road
Chennai 600 004.

3.The State rep by
The Superintendent of Police
Erode District
Erode.

4.The State rep by
the Inspector of Police
Modakurichi Police Station
Erode District, Erode.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation of Cr.No.445 of 2015 on the file of the fourth respondent police to Crime Branch Crime Investigation Department (CB CID) for investigation and investigate the same.

For Petitioner : Mr.S.Rajanikanth

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

O R D E R

This petition has been filed to transfer the investigation of Cr.No.445 of 2015 on the file of the fourth respondent police to Crime Branch Crime Investigation Department (CB CID) for investigation and investigate the same

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

3. It is seen that a 12 year old girl by name Haripriya suffered injuries which were initially suspected to be an accidental fall from a moving train and a case in Cr.No.445 of 2015 was registered under the caption "accidental fall" on 23.12.2015 by the Sub Inspector of Railway Police, Erode. Despite the medical treatment given to her, she succumbed to injuries and the case was altered to one under Section 174 Cr.P.C. On the orders of the superior Police Officers, the case was transferred to the file of the Inspector of Police, Modakurichi Police Station, who took charge of the investigation and has recorded the 164 Cr.P.C. statement of certain persons including one Gouthama Raja, who is the brother of the deceased Haripriya. The Investigating Officer found about the involvement of one Boopathi Raja and therefore, the case has now been altered to one u/s 305 IPC and the investigation is in progress. The petitioner, who is the father of Haripriya, has approached this Court seeking transfer of investigation on the ground that the investigation is tardy and that the police are not taking sufficient steps to arrest the said Boopathi Raja.

4. The Investigating Officer has filed a counter refuting the allegations of the petitioner. This Court called for the case diary and went through the 164 Cr.P.C. statement of Gouthama Raja and found that there are sufficient materials for impleading the accused in this case.

5. At this juncture, this Court cannot disclose the observations found in the case diary and suffice to state that the investigation is proceeding on the right lines. However, this Court is of the view that it will serve the interest of justice if the Deputy Superintendent of Police, Erode is directed to monitor the investigation in Crime No.445 of 2015 on the file of the Inspector of Police, Modakurichi Police Station. The police is directed to expeditiously conduct the investigation and take action expeditiously in accordance with law.

6. The learned counsel for the petitioner submitted that the anticipatory bail application of the accused was dismissed twice despite which the police are not taking steps for arresting the accused. He also submitted that the third anticipatory bail application filed by the accused is pending before this Court.

7. Under such circumstances, depending upon the outcome of the third anticipatory bail application, the respondent police is directed to take suitable action to secure the accused in this case.

With the above direction, this Criminal Original Petition is disposed of.

gms

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
The State of Tamil Nadu
Home Department
Fort St.George
Chennai 600 009.
 - 2.The Director General of Police
Kamarajar Road
Chennai 600 004.
 - 3.The Superintendent of Police
Erode District, Erode.
 4. The Deputy Superintendent of Police,
Erode.
 - 5.The Inspector of Police
Modakurichi Police Station
Erode District, Erode.
 - 6.The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.S.Rajanikanth, Advocate Sr 29408

KR/9/6/16

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