

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM:

THE HON'BLE MR. JUSTICE C.T.SELVAM

Crl.O.P.No.7746 of 2017

Poongavanam

.. Petitioner

Vs.

1.The District Magistrate Cum
District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

3.The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
Tiruvannamalai.

4.The Inspector of Police,
Kilpennathur Police Station,
Kilpennathur,
Tiruvannamalai District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to conduct re-postmortem on the dead body of the Mathiyazhagan, which has been kept in the Mortuary of Government Medical College Hospital at Tiruvannamalai in Crime No.177 of 2017 pending on the file of the 4th respondent.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.M.Mohammed Riyaz
Government Advocate(Crl.Side)

ORDER

The allegation of the petitioner is that after registration of the case informing the death of her husband as one arising out of an accident between two motor cyclists, petitioner's husband being rider of one of them, petitioner and relatives think that petitioner's husband in fact has been done to death by riders of the offending vehicle dashing against petitioner's husband vehicle and thereafter setting upon him with iron rods and wooden logs. On such allegation, re-postmortem is sought.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3.The Accident Register in the case informs external injuries found on the body of the deceased. The postmortem informs various other injuries including a fracture suffered to the head of the deceased. In such circumstances, no purpose whatsoever would be served by directing a re-postmortem. Re-postmortem is not to be ordered merely because the wife of deceased, in distress, seeks the same. Learned Government

Advocate [Crl.side] points out that 10 witnesses have been examined at the time of occurrence and their statements reflect that the case is one of accidental death. Even so, taking into consideration the submission of learned counsel for petitioner that several villagers at the scene have informed of an attack on the husband of petitioner, this Court considers it appropriate even while dismissing the present petition seeking re-postmortem, to direct transfer of investigation in the case to the Jurisdictional Deputy Superintendent of Police.

3. Accordingly, investigation in Crime No.177 of 2017 on the file of fourth respondent is transferred to the jurisdictional Deputy Superintendent of Police. Needless to say, it would be the duty of such investigating officer also to look into the aspect of homicidal death. The order of this Court is not to be read as indicative of any view to be taken by the investigating officer. The Investigating Officer shall deal with the case solely on merits.

4. With these observations, this Criminal Original Petition is dismissed.

19.04.2017

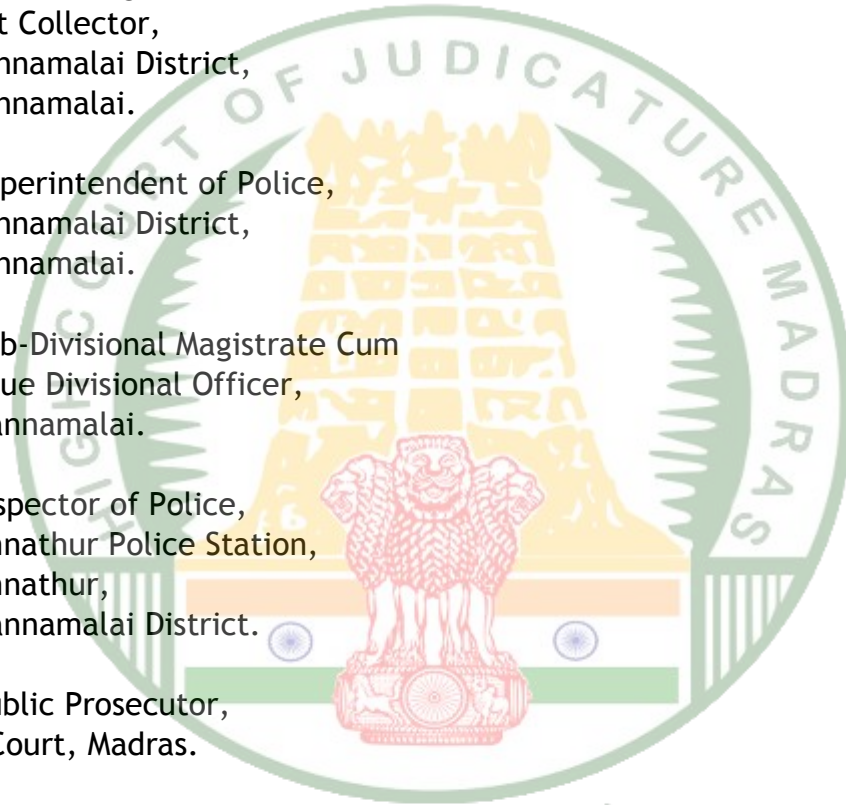
Index : Yes/No, Internet : Yes/No
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C.T.SELVAM,J.

si/rm

To

- 1.The District Magistrate Cum
District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
Tiruvannamalai.
- 4.The Inspector of Police,
Kilpennathur Police Station,
Kilpennathur,
Tiruvannamalai District.
- 5.The Public Prosecutor,
High Court, Madras.



सत्यमेव जयते Crl.O.P.No.7746 of 2017

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