



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD).No.12260 of 2017

S.Ganesamoorthi . . . Petitioner/Defacto Complainant

Vs.

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Deputy Commissioner of Police,
Traffic & Crime, Madurai City,
Madurai.
3. The Assistant Commissioner of Police,
Traffic Investigation Wing,
Madurai City, Madurai.
4. The Inspector of Police,
Traffic Investigation Wing-II,
Tallakulam, Madurai City.
(Crime No.5 of 2017)

. . . Respondents 1 to 4

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent to conduct further investigation in C.C.No.217 of 2017 pending on the file of the learned Judicial Magistrate No.VI, Madurai within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the third respondent to conduct further investigation in C.C.No.217 of 2017 pending on the file of the learned Judicial Magistrate No.VI, Madurai within a time stipulated by this Court.



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

3. It is the case of the petitioner that the petitioner's son met with an accident and the case was registered in Crime No.5 of 2017 on the file of the fourth respondent for the alleged offences under Sections 279 and 304(A) of I.P.C. It is stated by the petitioner that a Swift car bearing registration No.KL 07 CJ 1145 was driven in a rash and negligent manner and hit the victim from backside. It is the further case of the petitioner that his son fell down on the right side of the road and his motorcycle fell on the left side of the road and at that time, another car bearing registration No.TN 72 AV 2223 once again hit the petitioner's son and as a result, the petitioner's son died on the spot.

4. Learned counsel for the petitioner submitted that two vehicles were involved in the accident. It is also stated that the vehicle bearing Registration No.KL 07 CJ 1145(Swift car) though involved in the accident was not shown in the charge sheet and that therefore, the charge sheet filed is incomplete, as a result of defective investigation. The learned counsel for the petitioner produced today sworn affidavit of several individuals who have witnessed the accident, corroborating the version of the petitioner.

5. It is in these circumstances, this Court is of the view that a direction should be issued to the third respondent to conduct further investigation in C.C.No.217 of 2017 on the basis of the additional particulars furnished by the petitioner and to submit a final report after conducting an enquiry and investigation, before the learned Judicial Magistrate No.VI, Madurai, within a period of three months from the date of receipt of a copy of this order.

6. The Criminal Original petition is allowed, accordingly.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI, Madurai.

<https://hcservices.courts.gov.in/hcservices/>
2. The Commissioner of Police, Madurai City, Madurai.



3. The Deputy Commissioner of Police,
Traffic & Crime, Madurai City, Madurai.

4. The Assistant Commissioner of Police,
Traffic Investigation Wing, Madurai City, Madurai.

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5. The Inspector of Police,
Traffic Investigation Wing-II, Tallakulam, Madurai City.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.R.Gandhi , Advocate in SR No. 84282

pmu

AE/MR KKR/SAR2/08.11.2017/3P/8C

Crl.O.P.(MD).No.12260 of 2017
30.10.2017