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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Cr1.O.P(MD) .No.7623 of 2017

S.Veeraselvi

... Petitioner

Vs.

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

2.The Sub-Inspector of Police,  
Kallidaikurichi Police Station,  
Tirunelveli District.

... Respondents

**PRAYER:** Criminal original petition filed under Section 482 of Criminal Procedure Code directing the 2<sup>nd</sup> respondent to withdraw the case relating to the suspicious death of the petitioner's husband by name Sankaran on the file of 2<sup>nd</sup> respondent in Crime No.59 of 2016 dated 13.04.2016 under Sections 174 Cr.P.C (Snake Bite) and entrust the same to the 1<sup>st</sup> respondent for investigation of the case by the Deputy Superintendent of Police, Ambasamudram, Tirunelveli District and file a final report before the Jurisdictional Magistrate, within the time stipulated by this Court.

For Petitioner : Mr.M.Maran

For Respondents : Mr.K.Anbarasan,

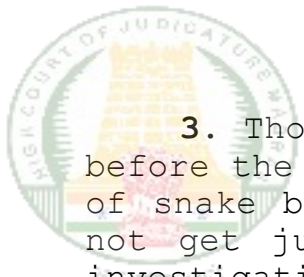
Government Advocate (Cr1. Side)

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### ORDER

This criminal original petition has been filed for directing the 2<sup>nd</sup> respondent to withdraw the case relating to the suspicious death of the petitioner's husband by name Sankaran on the file of 2<sup>nd</sup> respondent in Crime No.59 of 2016 dated 13.04.2016 under Sections 174 CPC (Snake Bite) and entrust the same to the 1<sup>st</sup> respondent for investigation.

2. The case of the petitioner is that the petitioner's husband did not return home on 12.04.2016 and on the basis of the complaint given by the petitioner, a case was registered as if the petitioner's husband died due to snake bite on 12.04.2016 at around 07.00 p.m. Since the body of the petitioner's husband was removed from the place where it was found and sent to the mortuary at Government Hospital, Ambasamudram, the petitioner could see her husband's body only later. It is stated by her that several external injuries were shown in his body and therefore, she lodged a complaint.



3. Though the facts relating to her husband injuries was stated before the second respondent, the case was registered only as a case of snake bite. Since the petitioner is of the view that she will not get justice, she has approached this Court for transfer of investigation.

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4. The second respondent has filed a status report and it is stated that one Dr. Agastian, Civil Assistant Surgeon, Government Hospital, Ambasamudram conducted the postmortem on 13.04.2016 at 12.50 p.m., and he has opined that the deceased would have died prior to the postmortem but reserved his final opinion pending chemical analysis report. It is stated that viscera parts of the deceased were sent for chemical analysis and histopathological examination and the reports were already received on 29.04.2016.

5. Though, Mr. M. Velmurugan, Sub Inspector of Police, Kallidaikurichi, author of the status report stated that he has taken charge as Sub-inspector of Police on 12.07.2016, there was no progress in the investigation. This Court is also able to see that even after, the receipt of chemical analysis report, the second respondent has not stated the nature of report. However, he states that the Doctor who had done autopsy was heard and that according to him opinion the deceased died due to shock and hemorrhage and due to multiple injuries. He further stated that he enquired the Doctor whether the death of the petitioner's husband was due to any poison through snake bite or electrocution. He states that a reply from the Doctor confirms that the death was not due to any poison through snake bite or electrocution. It is stated that the Sub Inspector of Police has thereafter, sent a letter to the Forensic professor, TVMCH, for second opinion and that the same is pending. After getting the second opinion, it is stated that the Sub Inspector of Police, will proceed further in the above case.

6. It is really shocking to note that the Sub Inspector of Police, sought for second opinion without any material except the earlier opinion given by the Doctor who did the Postmortem and in such circumstances this Court finds that there is some justification in the apprehension of the petitioner to seek transfer of investigation. Having regard to the fact that there was no progress in the investigation and the second respondent has not conducted any investigation on the basis of the Doctor's opinion about the cause of death, this Court is of the firm view that it is better to transfer the investigation to some other agency for a fair investigation accepting request of the petitioner. Hence, this Court issue the following directions :

"The proceedings in Crime No.59 of 2016 dated 13.04.2016 is withdrawn from the second respondent and the first respondent is directed to transfer the investigation from the second respondent to the Deputy Superintendant of Police, Ambasamuthram, Tirunelveli District. The Deputy Superintendant of Police, Ambasamuthram, Tirunelveli District, is



directed to file a final report before the concerned Judicial Magistrate within a period of six months from the date of receipt of a copy of this order."

7. The Criminal Original Petition is disposed of accordingly.

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Sd/-  
Assistant Registrar( P & A)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.
- 2.The Sub-Inspector of Police,  
Kallidaikurichi Police Station,  
Tirunelveli District.
- 3.The Deputy Superintendent of Police,  
Ambasamudram, Tirunelveli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.M.MARAN Advocate in SR. NO.67876  
MM/CMR  
JS/SKN.RSK/SAR.3/21.08.2017/3P-6C

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