



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.9470 of 2017

and

CRL.M.P.(MD)No.6452 of 2017

T.Marimuthu

... Petitioner

-Vs-

1.The State through

The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.

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

3.The Additional Director General of Police,
CBCID, Guindy, Chennai.

4.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.

... Respondents/ Complainants

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Cr.No.85/2017 dated 21.06.2017 pending before the fourth respondent, to the third respondent.

For Petitioner	: Mr.I.Robert Chandrakumar
For Respondents	: Mr.K.Anbarasan
	Government Advocate(Crl. Side).

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Cr.No.85/2017 dated 21.06.2017 pending before the fourth respondent to the third respondent.

<https://hcservices.equifreeindia.com/> learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.



3.The case of the petitioner is that the petitioner's son, who was aged about 17 years and studying 10th standard was found dead. On the basis of the statement obtained from the petitioner's wife, the case was registered under Section 174 of Cr.P.C. as if the death was due to hanging of the boy by himself.

4.The learned counsel for the petitioner submitted that on the statement obtained from the petitioner's wife, immediately, the body was removed. The petitioner also gave a complaint on the next day itself. He has raised serious doubt with regard to the manner of death of the petitioner's son. It was specifically stated that the signature of the petitioner's wife was obtained in white paper. On the basis of the statement obtained from the petitioner on 21.06.2017, it is stated that the petitioner's son did not attend school on the ground that he was suffering from severe stomach pain. The body of the petitioner's son was found on 6.00 p.m. The learned counsel for the petitioner relied upon the certificate issued by the Head Master of the school in which the deceased was studying. As per the certificate, the deceased attended the school on 21.06.2017 and he was in the school, till it was over. The learned counsel for the petitioner also relied upon the postmortem certificate issued by the Government Hospital, Ottapidaram. The learned counsel for the petitioner pointed out certain aspects in the postmortem report, where from no one could accept the case that the death was due to hanging. In these circumstances, the learned counsel for the petitioner submitted that the case should be transferred to some other agency particularly to the third respondent. Having regard to the serious discrepancies found in this case the petitioner has right to ask for a fair investigation.

5.The learned Government Advocate, on instructions, produced before this Court, the statement obtained from the doctor, who conducted autopsy. It was suggested to the Doctor that whether the death was due to the operations or other injuries that was found in the part of the body of the deceased. This Court is not satisfied with the way in which the questions were put to the doctor. Having regard to the fact that serious issues have been raised, with regard to the cause of the death it is understandable as to how the questions were put to the doctor to get answers which would go well with the conclusions already reached by the investigation officer about the autopsy.

6.In the said circumstances, in order to ensure a fair and unbiased investigation, this Court is inclined to allow this petition. Hence, this Court directs to transfer of investigation in Crime No.85 of 2017 pending before the fourth respondent to the third respondent, who in turn may entrust the investigation to any of the investigating officers in CBCID Department, taking into account of the nature of the allegations and other factors which are pointed out in this order.



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7. With the above direction, this Criminal Original Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Additional Director General of Police,
CBCID, Guindy, Chennai.
4. The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to M/s.I.Robert Chandrakumar, Advocate, SR.No.71548

Myr/Smi

RL/7C/3P/GT/SAR1/1/9/2017

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