

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.10211 of 2015

1. Vairamuthu
2. Niraipandian ... Petitioners

Versus

The State,
Represented by the Inspector of Police,
North Police Station,
Tiruppur. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying for fresh investigation to be carried out by CBCID pertaining to the Crime No.4501 of 2010 subject matter of S.C. No.131 of 2012 on the file of the Additional District and Sessions Judge (Fast Track Court No.5), Coimbatore at Tiruppur.

For Petitioners: Mr.V.C.Janardhanan
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.side)

O R D E R

This petition has been filed seeking to order fresh investigation in S.C. No.131 of 2012 on the file of the learned II Additional District and Sessions Court, Tiruppur at Coimbatore District.

2. The petitioners are accused in S.C. No.131 of 2012 on the file of the learned II Additional District and Sessions Court, Tiruppur, Coimbatore District. Both of them have been charged for the alleged offences punishable under Sections 302 and 201 of IPC.

3. The case of the prosecution is that the accused, who is the father of the deceased Inba Thamizhan murdered his own son viz., Inba Thamizhan on 04.06.2010 and disposed the body in a cow dung pit situated in front of the house of the witness LW 16.

4. The learned counsel appearing for the petitioners contended that the mother of the deceased had deposed before the learned II Additional District and Sessions Judge, Tiruppur on 17.06.2013 that her son was murdered by one

Mayilswamy, who is the owner of Udayam Checking Centre, Tiruppur. Based on her deposition, the learned II Additional District and Sessions Judge referred the entire case to the Commissioner of Police, Tiruppur for further investigation, on the same day i.e., on 17.06.2013.

5. The learned Government Advocate (Criminal Side) submitted the entire CD file before this Court. A perusal of the CD file shows that Mr.S.N.Seshasai, I.P.S., the then Commissioner of Police, Tiruppur, Coimbatore nominated one Mr.V.Selvaraj, Inspector of Police Anupparpalayam Police Station, to further investigate the case in Crime No.4501 of 2010 for the offences punishable under Sections 302 and 201 IPC of Tiruppur North Police Station. Accordingly, the Investigating Officer summoned all the witnesses and recorded their statements. A perusal of the CD file shows that the mother of the deceased viz., PW2 has given a different version before the 2nd Investigating Officer and her statement does not fit in with her deposition, dated 17.06.2013 before the learned II Additional District and Sessions Judge. It is also clear from the CD file that a thorough investigation has been conducted by the 2nd Investigating Officer and the matter is once again sent back to the same Court contending that the first accused, who is the father of the deceased has committed the murder of his own son Inba Thamizhan.

6. The learned Government Advocate (Criminal Side) would contend that the trial has already commenced and two witnesses have been examined on the side of the prosecution.

7. In the facts and circumstances of the present case, I do not find any reason to order further investigation in this matter. Since the Sessions Case is pending from the year 2012, the learned II Additional District and Sessions Judge, Tiruppur, Coimbatore District, is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order, uninfluenced by any of the observations made by this Court.

8. With the above observation, the petition is dismissed.

Sd/-

Assistant Registrar(CS-VI)

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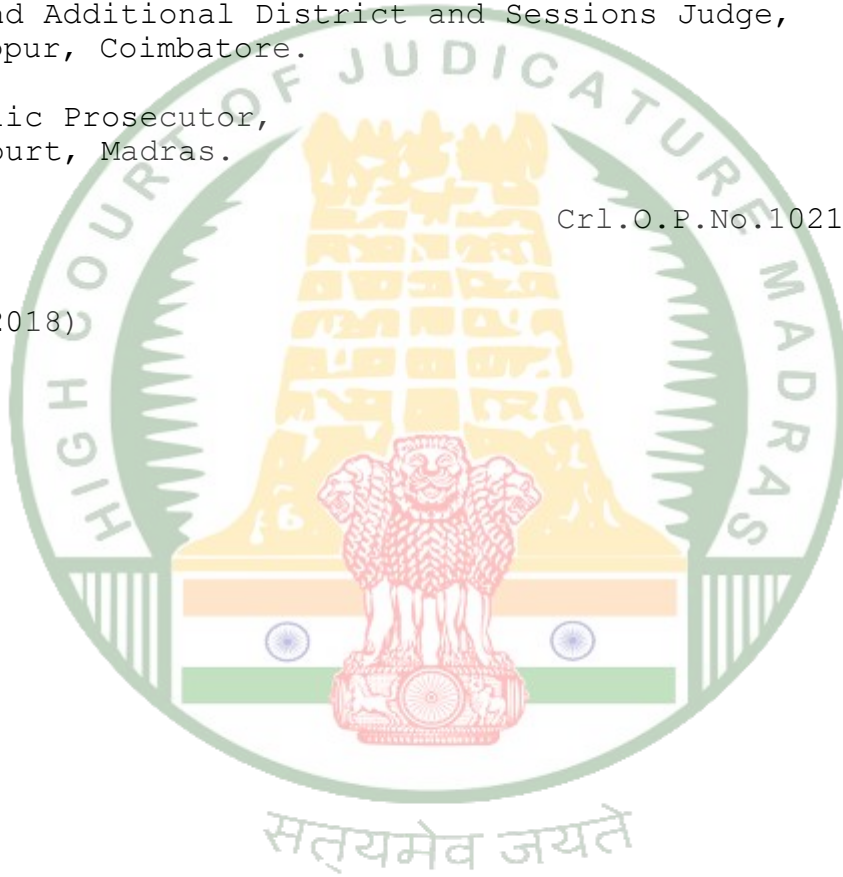
Sub Assistant Registrar

To

1. The Inspector of Police,
North Police Station,
Tiruppur.
2. The Additional District and Sessions Judge,
FTC.No.5, Coimbatore at Tiruppur.
3. The IInd Additional District and Sessions Judge,
Tiruppur, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10211 of 2015

SSV(CO)
EU(06/07/2018)



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