

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No. 4160 of 2018
and
Crl. M.P. No. 6544 of 2018

Murthy

... Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007.
2. The Inspector of Police
G-3 Kilpauk Police Station
Chennai - 600 010.
3. The Executive Magistrate
Aminjikarai Taluk
Chennai.

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to transfer the case pertaining to G-3 Kilpauk Police Station Crime No. 1306/2017 from the 2nd respondent to any other competent investigation agency and fix a time frame for complete the investigation and lay charge sheet and pass such further orders.

For Petitioner : Mr. M.R. Senthil Kumar
For Respondents : Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

The relief sought for in this petition is to transfer the case pertaining to G-3 Kilpauk Police Station Crime No. 1306/2017 from the 2nd respondent to any other competent investigation agency and fix a time frame for complete the investigation and lay charge sheet.

2. Pursuant to the death of one Sridharan during medical treatment, the 2nd respondent police has registered a case in

Cr.No.1306/2017 on 23.09.2017 under Section 174 CrPC and investigation is in progress. Whiles, the petitioner who is the brother of the deceased has approached this Court for transfer of investigation on the ground that the investigation is not progressing in the right lines.

3. Heard Mr. M.R. Senthil Kumar, the learned counsel for the petitioner and P. Kritika Kamal, Government Advocate (Crl. Side) for the respondents.

4. On a reading of the FIR, it is alleged that the deceased Sridharan underwent Nasal surgery in KKR ENT Hospital and thereafter he died. Thus, the allegation pertains to medical negligence and therefore the police are required to follow the law laid down by the Supreme Court in Jacob Mathew vs. State of Punjab 2005 AIR SCW 3685.

5. The learned Government Advocate submitted that even the postmortem report has not been received because the Histopathological report has not been received as of yet.

6. In such view of the matter, this Court directs the Assistant Commissioner of Police, Kilpauk Range to take over the investigation of the case in Cr. No.1306/2017 and complete the investigation expeditiously by strictly following the dictum of the Supreme Court and take action in accordance with law, under due intimation to the defacto complainant.

7. With the above direction, the petition is closed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

avr

To

1. The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007.
2. The Inspector of Police
G-3 Kilpauk Police Station
Chennai - 600 010.

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3. The Executive Magistrate
Aminjikarai Taluk
Chennai.

4.The Public Prosecutor,
Madras High Court, Chennai.

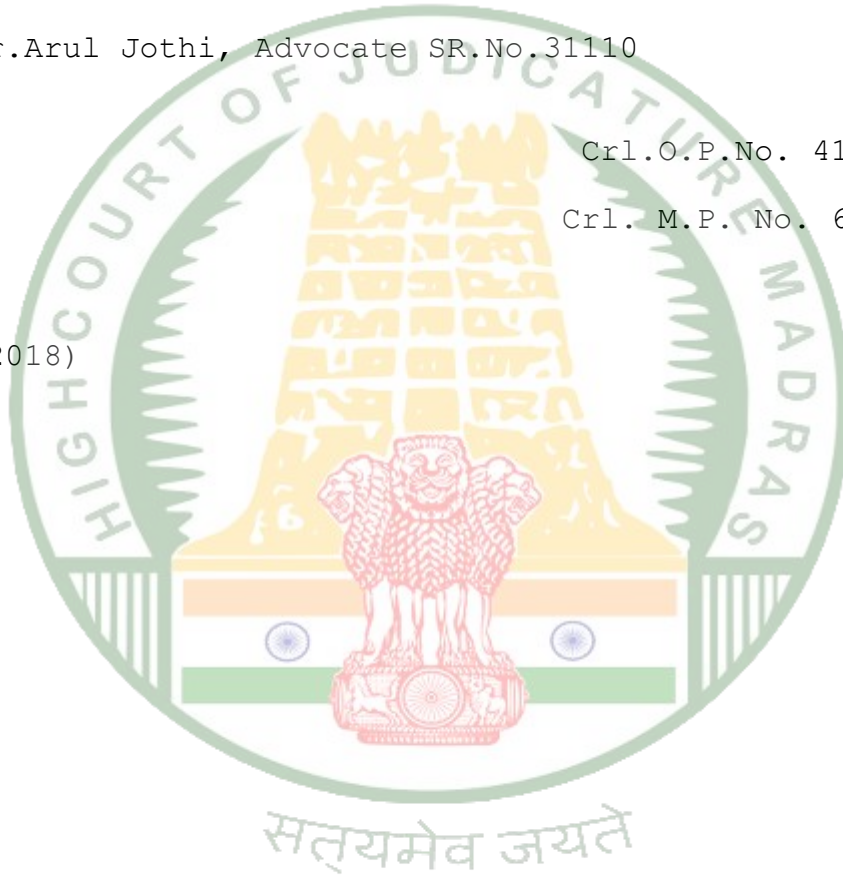
Copy To

The Assistant Commissioner of Police,
Kilpauk Range.

+1cc to Mr.Arul Jothi, Advocate SR.No.31110

Crl.O.P.No. 4160 of 2018
and
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MG (CO)
GN(18/05/2018)



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