

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.2465 of 2017

Kothandaraman

...Petitioner

Vs

1. The State rep. by
Secretary to Government,
Home Department,
Fort St.George, Chennai-9

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

3. The Inspector of police,
Ponneri Police station,
Thiruvallore District.

...Respondents

Prayer: Criminal Original Petition has been filed under Section 482 Criminal Procedure Code, to direct to transfer the investigation in Crime No.126 of 2015 on the file of 3rd respondent to some other investigating agency.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.Raghavan
(Government Advocate)

ORDER

This petition has been filed seeking a direction to transfer the investigation in Crime No.126 of 2015 on the file of 3rd respondent to some other investigating agency.

2. The petitioner's father was murdered on 10.04.2015, pursuant to which, a case in Cr.No.126 of 2015 was registered and after completing the investigation, a charge sheet has been filed against one Santhanam for the offence under Section 302 IPC. After committal, the case is now pending on the file of the Additional Sessions Judge, Ponneri in S.C.No.178 of 2016.

Under such circumstances, the de facto complainant has filed the present petition for re-investigation of the case on the ground that the police have not properly investigated the case by recording the statements of the eye witnesses, viz., Samundeswari, Bhaskar, Ilayaraja and Ravi. It is the further grievance of the petitioner that the eye witness account shows that the deceased was attacked with a shovel, but the police have made it appear that the deceased was attacked with a tiffin carrier.

3. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.Side) appearing for the State.

4. On a perusal of the charge sheet, it is seen that it is clearly stated therein that the deceased was attacked with both a tiffin carrier and a shovel. The medical opinion of the Post-mortem Doctor corroborates the version of the eye witness. That apart, Samundeswari, Ravi and Baskar have been included as prosecution witnesses in the memo of evidence. The memo of evidence clearly shows that Ravi and Baskar are eye witnesses to the incident.

Under such circumstances, this is not a fit case for re-investigation or transfer of the case. Hence, this petition is dismissed with a direction to the trial Court to complete the trial in S.C.No.178 of 2016 within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

gms

To

1. The Secretary to Government,
Home department,
Fort St.George, Chennai-9
2. The Superintendent of Police,
Thiruvallore District,
Thiruvallore.

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3. The Inspector of police,
Ponneri Police station,
Thiruvallore District.

4. The Public Prosecutor, High Court, Madras.

+1cc to M/s.Pitty Parthasarathy, Advocate, S.R.No.56744

Cr1.O.P.No.2465 of 2017

SAI (co)

rrs 05/09/2018



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