

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17415 of 2018

I.Mahimadoss

... Petitioner

Vs

1.The State represented by
The Inspector of Police
Thiruvankadu Police Station
Nagapattinam.

2.The Inspector of Police
The Crime Branch Crime Investigation Department
No.24, Pantheon Road,
Komaleeswaranpet,
Egmore, Chennai-600 008.

... Respondents

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to pass appropriate orders for transfer for investigating agency in respect of investigation in Crime No.288 dated 14.07.2016 on the file of the respondent police by entrusting the same to 2nd respondent Crime Branch Crime Investigation Department and to complete the investigation and to file a final report.

For Petitioner : Mr.G.Sankaran

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

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.288 of 2016 dated 14.07.2016 on the file of the first respondent police to the second respondent and to complete the investigation and file a final report.

2. On the complaint given by one Ebi Christopher, the respondent police have registered a case in Crime No.288 of 2016 on 14.07.2016 for the offences under Sections 294-B, 324 and 506 (i) IPC against three accused.

3. On a reading of the complaint, it is seen that Ebi

Christopher and the accused were drinking liquor together on 06.06.2018. While they were drinking, a quarrel arose amongst them, in which, Ebi Christopher is said to have been assaulted by his friends. Ebi Christopher has suffered injuries and admitted in the hospital. On the statement of Ebi Christopher given in the hospital on 14.07.2016, the aforesaid FIR came to be registered. After prolonged treatment for more than 3 months, Ebi Christopher died on 27.09.2017. Thereafter, the police have altered the FIR to Sections 294-B, 324, 506(i) and 302 IPC. Not satisfied with the progress of the investigation, Ebi Christopher's father has filed the present petition to transfer the investigation.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl. Side) for the respondents.

5. On a perusal of the FIR and other allegations, it appears that all the four were drinking liquor and while drinking, a quarrel ensued, in which, Ebi Christopher is said to have been assaulted by the other three. Ebi Christopher did not die immediately. He died several months later. It is indeed doubtful whether Section 302 IPC can ever to be made out on such allegations. However, the police have filed an alteration report and has included Section 302 IPC.

6. In such view of the matter, this is not a fit case to transfer the investigation to any other agency. However, the Deputy Superintendent of Police, Tiruvenkadu Police Station, Nagapattinam District, is directed to monitor the investigation in Thiruvenkadu PS Crime No.288 of 2016 and take appropriate action in accordance with law expeditiously.

With the above direction, this petition is closed.

सत्यमेव जयते
Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

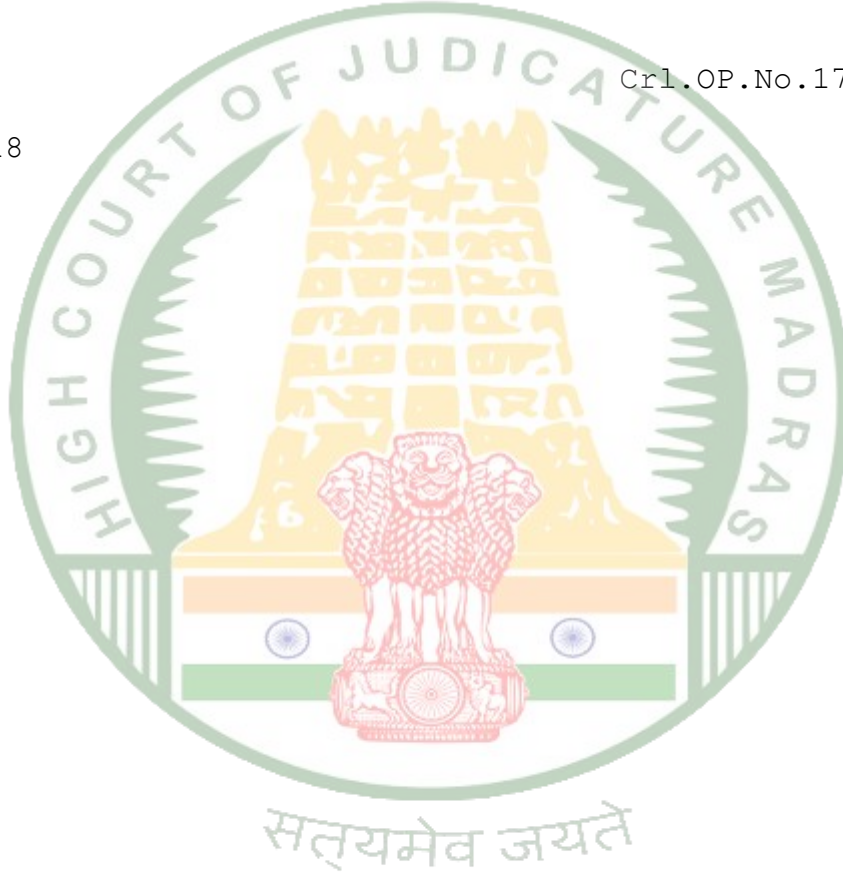
1. The Inspector of Police
Thiruvenkadu Police Station
Nagapattinam.

2. The Inspector of Police
The Crime Branch Crime Investigation Department
No.24, Pantheon Road,
Komaleeswaranpet,
Egmore, Chennai-600 008.
3. The Deputy Superintendent of Police,
Thiruvankadu Police Station
Nagapattinam District.

+lcc to Mr.G.Sankaran, Advocate in sr.no.45057

Cr1.OP.No.17415 of 2018

CS/17/07/18



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