

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.23605 of 2018
& Crl.M.P.No.13255 of 2018

S.Usha Rani

..Petitioner

Vs.

1. The Superintendent of Police,
Thiurvallur District at Thiruvallur.
2. State rep. By Inspector of Police,
B-5, Manavala Nagar Police Station,
Thiruvallur District - 602 002. ..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
seeking to transfer the investigation in Cr.No.147/2018 on the
fix of the second respondent to some other Independent
Investigating Agency.

For petitioner : Mr.R.C.Manoharan

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

On the complaint lodged by one Balaji, the respondent Police registered a case in Cr.No.147/2018 on 04.05.2018 under Sections 341 and 323 IPC. It is the case of Balaji that he had gone along with his friend K.Venkatesan to Vellarindhangal village on 02.05.2018 for purchasing a Mango Grove; when they went to the said grove, they have found one Jawahar and his friend consuming liquor; the said Jawahar and his friend had an altercation with Venkatesan and started attacking them; that when Venkatesan went to Police Station to lodge a complaint, the duo indiscriminately assaulted Balaji. Hence on the complaint of Balaji, First Information Report was registered for the offences under Sections 341 & 323 IPC. Balaji was admitted in Kauvery Hospital and he died on 08.05.2018. The Police had filed alteration report, altering the offence from Sections 341 & 323 to Section 302 IPC. Under such circumstances, the petitioner, widow of Balaji is before this Court for transfer of Investigation.

2.Heard, Mr.R.C.Manoharan, learned counsel for the petitioner, who submitted that the Police are not conducting the investigation properly and that they are not even arresting the two accused.

3.Per contra, the learned Additional Public Prosecutor submitted that the accused had filed an application for anticipatory bail and the same has been dismissed on 03.09.2018 and that the Police are doing their best to apprehend the accused.

4.This Court gave its anxious consideration to the rival submissions.

5.This is not a case where accused had died on the very day of the assault. The accused suffered some simple injuries, but he was admitted in the Kauvery Hospital from where he was discharged. Thereafter, he died on 08.05.2018. While he was under treatment in Kauvery Hospital, he seems to have undergone a brain surgery. That apart, it is also seen that he had heart problems. Under such circumstances, the Police should thoroughly investigate whether the assault was the immediate cause of his death. The post-mortem report and the visera opinion were awaited.

6.Hence, it is very premature to say that the investigation is perfunctory. Hence, this is not a fit case to transfer the investigation. However, the Deputy Superintendent of Police, B-5, Manavala Nagar Police Station is directed to monitor the investigation in B-5 Manavala Nagar Police Station, Cr.No.147/2018 that is being conducted by the Inspector of Police and take expeditious steps to complete the same.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

mrm/gsa

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thiurvallur District, Thiruvallur.

2. The Inspector of Police,
The State of Tamil Nadu,
B-5, Manavala Nagar Police Station,
Thiruvallur District - 602 002.

3. The Public Prosecutor
High Court, Madras
Chennai 600 104.

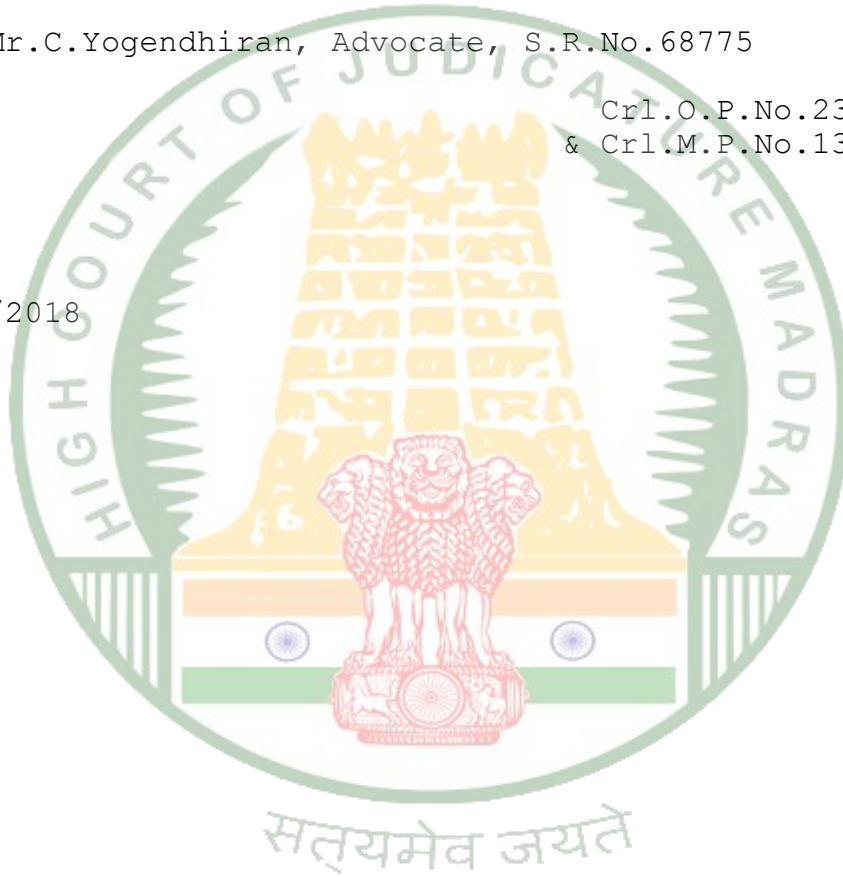
4. The Deputy Superintendent of Police,
B-5, Manavala Nagar Police Station,
Thiruvallur District.

+2ccs to Mr.C.Yogendhiran, Advocate, S.R.No.68775

Crl.O.P.No.23605 of 2018
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SSI (CO)

rrs 30/10/2018



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