

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.24026 of 2018

M.Balusamy
S/o.Mahaliappan
5/339 B, 1st Street,
Thiruppur Kumaran Nagar,
Vengamedu, Angripalayam,
Thiruppur-641 603.

... Petitioner

Vs.

The Inspector of Police,
Avinasi Police Station,
Thiruppur District.
(Cr.No.379 of 2018)

... Respondent

PRAYER : This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to pass on order changing the investigating agency and directing the respondent to hand over the investigation with CBCID or any other appropriate investigating agency for the proper investigation and to bring the real factum to the Court.

For Petitioner : Mr.S.Balasubramanian
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking for transfer of investigation which is pending on the file of the respondent police in Crime No.379 of 2018.

2.The learned counsel for the petitioner would submit that the car in which the petitioner's son Sivakumar and two others were traveling, met with an accident. All the persons were admitted in the Hospital. Unfortunately, the son of the petitioner died and two others survived in the accident.

3.Initially the FIR was registered for the offence under Sections 279 and 337 of IPC. After the receipt of postmortem report, the respondent police altered the FIR under Sections 279,377 and 304 of IPC.

4.The real grievance of the petitioner is that there was a CCTV available at the place where accident took place. The learned counsel for the petitioner submitted that the respondent police were not able to find out the offending vehicle which had caused the accident inspite of CCTV footage available at the relevant place. Since the respondent police is not attempting to take the CCTV footage in the course of investigation, the real accused persons have not been identified till today and therefore the investigation has to be transferred to some other agency.

5.The learned Government Advocate (Crl.Side) would submit that the respondent police have recorded the statement of the witnesses. The learned Government Advocate (Crl.Side) on instructions would submit that there was no CCTV available at the spot where the accident took place. The learned Government Advocate (Crl.Side) also submitted that the effective investigation is carried on by the respondent police and a final report will be filed as expeditiously as possible.

6.The real grievance of the petitioner is that the offending vehicle and the real accused persons have not been identified by the respondent police till today. According to the learned counsel for the petitioner, the CCTV was available in the scene of occurrence and the respondent police have not taken the assistance of the CCTV footage in the course of investigation.

7.The respondent police is in the process of investigation. The respondent police will have to see if any CCTV was available in the scene of occurrence or at least in the route that leads up to the scene of occurrence. In many of the accident cases, the CCTV footage is now proving to be the main vital evidence for the police to identify the offending vehicle and also the real accused persons. Therefore, if CCTV is available, the respondent police will have to definitely take the assistance of CCTV footages in order to identify the offending vehicle.

8.This Court does not want to interfere with the investigation at this stage. The respondent police is directed to continue with the investigation in an effective manner and complete the investigation as expeditiously as possible. The respondent police shall also take into consideration, taking assistance of CCTV footages during the course of investigation.

9.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(ccc)

//True Copy//

Sub Assistant Registrar

stm/gsp

To

1.The Inspector of Police,
Avinasi Police Station,
Thiruppur District.

2.The Public Prosecutor,
High Court of Madras,
Madras.

+2ccs to Mr.S.Balasubramanian , Advocate SR.No. 79067
Cr1.O.P.No.24026 of 2018

ASK(05/12/2018)