

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.12.2018
CORAM
THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.28510 of 2018

P.Ashokan

..Petitioner

-Vs-

1.The Superintendent of Police
Erode, Erode District.

2.The Sub Inspector of Police
Erode Railway Police Station
Erode, Erode District,
Crime No.1401/2012.

..Respondents

Prayer: Criminal Original Petition under Section 482 of Criminal Procedure Code, to issue a direction to the second respondent to Re-investigate the case in Crime No.1401 of 2012 and to file a fresh report after thorough investigation in accordance with law.

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for a re-investigation of the case in Cr.No.1401/2012, pending on the file of the second respondent.

2. It is seen from the records that the second respondent/Police have registered a First Information Report under Section 174 of the Criminal Procedure Code. The petitioner's son died under suspicious circumstances. Since there was no progress in the investigation, the petitioner had earlier filed Crl.O.P.No.30607/2014, before this Court seeking for transferring the investigation to

some other agency. The said Criminal Original Petition was dismissed by an order dated 12.12.2014, on the ground that a negative report has been filed to the effect that "further action dropped" by the respondent/Police.

3. The present Criminal Original Petition has been filed now, in the year 2018, seeking for re-investigation into the matter.

4. The learned Additional Public Prosecutor on instructions, would submit that the final report was filed by mistake before the Thasildar, Sankagiri. In view of the guidelines given by this Court, the final report will now be filed before the appropriate Jurisdictional Magistrate Court.

5. The learned counsel also brought to the notice of this Court, the suicide letter of the deceased wherein, he had stated that no one is responsible for his death and he is committing suicide on his own. It is based on the suicide note, further action was dropped by the respondent/Police.

6. At this length of time, this Court cannot order for any re-investigation in this case.

7. This Criminal Original Petition is disposed of with a direction to the second respondent/Police to collect the final report filed from Thasildar, Sankagiri, and file it before the concerned Jurisdictional Magistrate Court, within a period of four weeks from the date of receipt of a copy of this order. On such filing of the final report, if the petitioner is aggrieved by the same, it is left open to the petitioner to file an appropriate protest petition before the concerned Court and work out his rights, in accordance with law.

सत्यमेव जयते Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

dna/kp

To

1.The Superintendent of Police
Erode, Erode District.

2.The Sub Inspector of Police
Erode Railway Police Station
Erode, Erode District,

3.The Public Prosecutor
High Court, Madras.

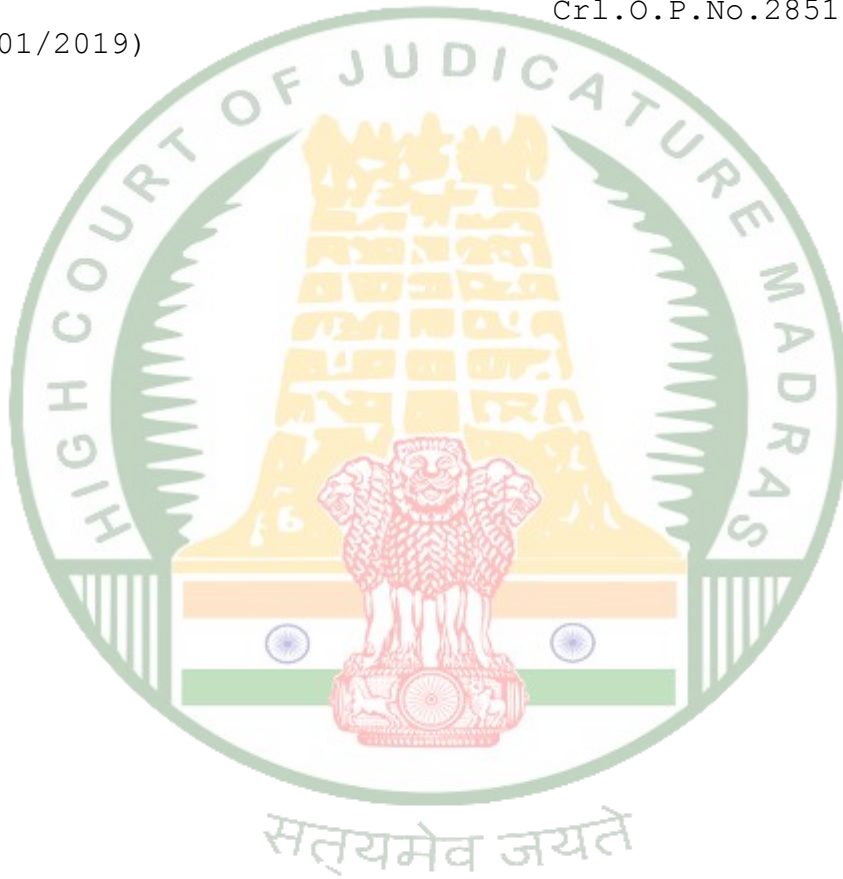
4.The Thasildar,Sangagiri.

5.The Judicial Magistrate,Sankagiri.

+1cc to Mr.D.Balachandran , Advocate SR.No. 86626

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ASK(07/01/2019)



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