



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on:11.01.2018

Pronounced on: 20.02.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.481 of 2018

K.Rani

... Petitioner

-Vs-

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.

2. The Inspector of Police,
Traffic Investigation Wing,
Thanjavur.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent to depute any Inspector of Police other than the 2nd respondent to investigate the case in Cr.No.102 of 2017 on the file of the 2nd respondent based on the petitioner's representation, dated 24.11.2017.

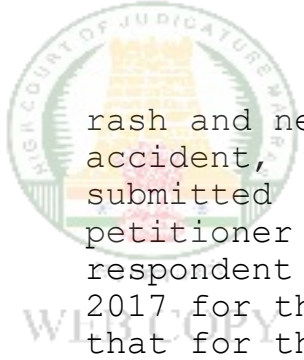
For Petitioner : Mr.C.SureshKannan
For Respondents : Mr.Prabhu Ramachandran
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed by the defacto complainant to direct the first respondent to depute any Inspector of Police other than the second respondent to investigate the case in Cr.No.102 of 2017 on the file of the second respondent.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that on 04.08.2017 at about 08.15 p.m, while the petitioner's husband namely Kumar was proceeding along with left side of the road from north to south, near Thanjavur Periya Kovil, opposite to Aalamarathadi Pillaiyar Temple, to return his house, one unknown vehicle came behind him and the same was driven by its driver in



rash and negligent manner and dashed against him and due to the said accident, the petitioner's husband died on the spot. He further submitted that with regard to the aforesaid occurrence, the petitioner herein has lodged a complaint before the second respondent and the same was registered on 05.08.2017 in Cr.No.102 of 2017 for the offence under Section 304-A I.P.C. He further submitted that for the past six months, the second respondent did not take any steps to find out the driver of the vehicle. He further submitted that the petitioner is a poor widow and she is having two female children and she is not able to maintain herself and her family. He further submitted that since the second respondent has not identified the vehicle, the petitioner could not file a petition seeking compensation and hence, the petitioner gave a representation before the second respondent on 24.11.2017, but, sofar, no effective steps have been taken to secure the vehicle and hence, the learned counsel for the petitioner requests this Court to direct the first respondent to depute any other Inspector to investigate the above case.

4.The learned Government Advocate (Crl.Side) has submitted that the second respondent, after registering the case, has taken the matter for investigation. He further submitted that since the occurrence took place during night hours, no one have witnessed the occurrence. He further submitted that the second respondent, during investigation, has checked the CCTV cameras, which are installed nearby the Big Temple, Thanjavur and the video footage did not record the alleged occurrence. He further submitted that the second respondent also enquired in the Two wheeler and Four wheeler Mechanic shops and he could not get any clue with regard to the vehicle involved in the accident and hence, he is not able to fix the vehicle, which was involved in the said occurrence. He further submitted that the second respondent is taking sincere efforts for tracing out the vehicle and hence, the investigation need not be transferred to any other Police Officer.

5.In the status report filed by the second respondent, he has stated that he has examined the CCTV cameras, which were installed in the nearby places of the occurrence, but, the said CCTV cameras were not focussed towards the place of occurrence. He also stated that he has checked the CCTV Camera, which has been installed in the road, which is running in front of the temple and in that camera also, the alleged occurrence was not recorded. With regard to the checking of the CCTV cameras, the second respondent has not recorded any statement from the witnesses. Further, in the rough sketch, prepared by the second respondent, it is stated that there was a Car Parking nearer to the place of occurrence. He could have verified whether any person was parking his car in that place at the time of occurrence and he would have examined those persons in order to identify the vehicle, which was hit against the deceased. Therefore, this Court feels that the investigation has to be transferred to some other Inspector of Police for effective investigation.



6. In the result, this Criminal Original Petition is allowed. The first respondent is directed to depute some other Inspector of Police for further investigation of the case in Cr.No.102 of 2017, on the file of the 2nd respondent.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Inspector of Police,
Traffic Investigation Wing,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.SURESH KANNAN, ADVOCATE IN SR No. 49989

VS

TE/JC/SAR-1 : 01/03/2018 : 3P/5C

order made in
Crl.O.P.(MD) No.481 of 2018
20.02.2018