



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.5065 of 2018

A.Mahadevi : Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
 2. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
 3. The Inspector of Police,
CBCID, Tirunelveli.
 4. Muruganandam
Previously working as Executive Engineer,
TANGEDCO, Kovilpatti,
Thoothukudi District.
 5. Guruvammal,
Previously working as Assistant Executive Engineer,
TANGEDCO, Kovilpatti,
Thoothukudi District.
 6. Jaikumar,
Assistant Engineer,
TANGEDCO, Kovilpatti,
Thoothukudi District.
 7. R.Gomathi
Proprietor,
Aarthi Hospital, Kovilpatti,
Thoothukudi District.
- : Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the final report filed by the second respondent on 30.09.2011 and to pass an order of re-investigation in respect of the case in C.C.No.250 of 2015 on the file of the learned Judicial Magistrate No.II, Kovilpatti by the third respondent herein and file final report afresh in accordance with law.



For Petitioner
For R1 to R3

: Mr.V.Sasikumar
: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

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ORDER

This Criminal Original Petition has been filed seeking for further investigation for the case, which is now pending in C.C.No.250 of 2015 on the file of the Judicial Magistrate No.II, Kovilpatti.

2.The petitioner is the wife of the deceased person. The deceased person was working as a contract labour in the Tamilnadu Electricity Board. On 22.01.2011, when he was repairing the electricity connection in a pole near the seventh respondent Hospital, a high electric shock was returned from the generator and the petitioner's husband had died on the spot. Subsequently, complaint was given by the father of the deceased and FIR came to be registered in Crime No.73 of 2011 under Section 174 Cr.P.C. and subsequently, altered into as offence under Section 304(A) of IPC.

3.The learned counsel appearing for the petitioner submitted that right from the year 2012 onwards the petitioner was sending repeated representation to the first respondent seeking for further investigation on the ground that the report has been received from the Assistant Engineer, who is not competent to give report under the provisions of Electricity Act. The petitioner has further raised the ground that the electricity shock was only due to the generator, which was operated by the seventh respondent Hospital and electricity returned from the said generator. As a result of which, the petitioner's husband received shock and died on the spot.

4.The learned Government Advocate appearing for the respondent Police submitted that the final report was filed in the year 2011 itself and the same is pending before the learned Judicial Magistrate No.II, Kovilpatti in C.C.No.250 of 2015. He further submitted that there is no ground to further investigate the matter.

5.The trial is yet to be begin in this case. The petitioner, who is going to be examined during trial, can always state the true facts before the Court and if during the course of enquiry or trial, the Court finds that any other person is involved in the commission of crime, then certainly the Court has the power to add them as an accused in accordance with the provisions of Cr.P.C. It is too late for this Court to order further investigate the case, since the incident had happened in the year 2011.



6.This Criminal Original Petition is disposed of with a direction to the petitioner to raise all the grounds that have been raised in this petition, before the Court below during the course of trial.

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Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate No.II,
Kovilpatti.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
4. The Inspector of Police,
CBCID, Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Sasikumar, Advocate Sr.No.80938

GNS

VB/SKN/SAR1/26.09.2018/3P/7C

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