



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.15023 of 2017

P.Lakshmanaperumal

... Petitioner

vs.

1.The Superintendent of Police
Virudhunagar District
Virudhunagar

2.The Inspector of Police
Sattur Town Police Station
Virudhunagar District

3.The Joint Director & Head Zone
Central Bureau of Investigation
3rd Floor, E.V.Sambath Building
College Road
Chennai-6

4.Subburaju

...Respondents

PRAYER: Criminal original petition filed, under Section 482 Cr.P.C., to direct the respondents to direct the first respondent to withdraw the investigation in Crime No.352 of 2017, on the file of the second respondent and transfer it to the file of the third respondent or any other appropriate agency to conduct fair and free investigation and file a final report before the Jurisdictional Magistrate within a stipulated time.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.M.Asokan

Government Advocate for R1 & R2

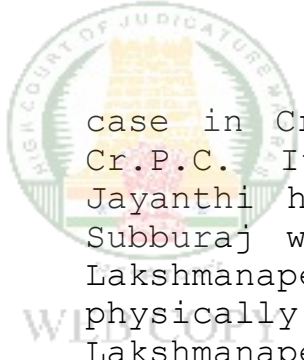
Mr.S.Jayakumar

Special Public Prosecutor for C.B.I.Cases for R3

Mr.S.Ramasamy for R4

O R D E R

Jayanthi was married to Subburaj, a Veterinary Doctor during 2007 and they have two children through the wedlock. Jayanthy committed suicide on 13.06.2017 and on the complaint given by her father, Lakshmanaperumal, the respondent - Police registered a



case in Crime No.352 of 2017, on 14.06.2017, under Section 174 Cr.P.C. It is the case of Lakshmanaperumal that before the death, Jayanthi had spoken to him and had complained that her husband Subburaj was leading a wayward life. It is further alleged by Lakshmanaperumal that he suspects Jayanthi would have been physically tortured and done to death. Therefore, Lakshmanaperumal has filed the present criminal original petition seeking for transfer of investigation in Crime No.352 of 2017, from the file of the second respondent to the file of the third respondent - Central Bureau of Investigation.

2. Heard the learned counsels on either side and perused the materials filed in the form of typed set.

3. The learned counsel for the petitioner placed strong reliance upon the post-mortem certificate, dated 14.06.2017, issued by the Assistant Surgeon, Government Hospital, Sattur, in which the following injury on the body of Jayanthi has been noted:

"An abrasion @ Leg L/3. Anterior Aspect."

Based on this injury, the learned counsel for the petitioner submitted that Jayanthi must have suffered torture and after murdering her, she must have been hanged. However, on a thorough reading of the post-mortem report, it is seen the following two more injuries:

"Body of female in supine / UL extended wrist flexed and fingers clinched. Hair 1 ½ feet, black. Mouth-closed & filled with frothy. Nostrils filled with yellow frothy fluid. Dental 8/8/8/8. Anal and Vaginal orifices free.

A curvilinear mark measuring 14 cm cross in length extending from 5 cm from (L) Mandible, in left side, to 3 cm from (R) Mandible in right side, 6.5 cm from chin in the centre, the breadth of mark approx. 5 cm in entire length. (R) end of the mark (contusion) had skin hematoma of 5 x 4 cm with serrated edges. The color of mark-reddish brown through out."

4. The post-mortem Doctor has taken pains to draw a rough sketch showing the ligature mark around the neck. From the above two injuries, it prima facie appears that this is a case of hanging, since the injuries are ante-mortem and not post-mortem. As regards the abrasion injury in the right leg is concerned, it is possible for such an injury to occur when the victim hits to push the stool or chair used for climbing up. Therefore, this Court does not find any serious infirmity in this case for ordering C.B.I. Investigation.

5. That apart, the learned Additional Public Prosecutor for the respondent - Police submitted that investigation has been conducted by the Inspector of Police, Sattur Police Station and the case has been closed as action dropped and closure report has also been filed before the learned Judicial Magistrate No.III,



Sattur, on 23.09.2017. In such circumstances, it is always open to the petitioner to file protest application before the Magistrate concerned.

6. With the above observation, the criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
3. The Joint Director & Head Zone,
Central Bureau of Investigation,
3rd Floor, E.V. Sambath Building,
College Road, Chennai-6.
4. The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. S. Ramasamy, Advocate, SR.No. 41117

+1CC to Mr. T. Vadivelan, Advocate, SR.No. 41088

Cr1.O.P. (MD) No.15023 of 2017
08.01.2018

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