



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No.15356 of 2018

WEB COPY

Palaniyammal

... Petitioner

Vs

1.The Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.

3.The Inspector of Police,
Crime Branch Crime Investigation
Department (CBCID),
Pudukottai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to withdraw the case in Crime No.107 of 2017 on the file of the second respondent and transfer the same to the file of the third respondent or any other agency.

For Petitioner : Mr.K.Gokul

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl.side)

O R D E R

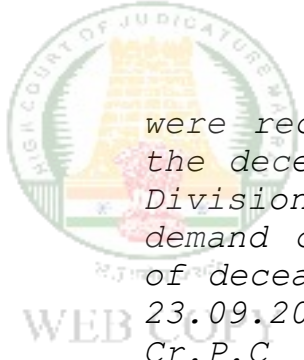
This petition has been filed for a direction to transfer the investigation in Crime No.107 of 2017 which is pending on the file of the second respondent police.

2.In this case, initially F.I.R was registered in Crime No.107 of 2017 under Section 174 Cr.P.C.

3.The learned Government Advocate (Crl.side) for the respondents, on instructions, would submit that the case was subsequently transferred to the Deputy Superintendent of Police, Illupur. Thereafter, the Deputy Superintendent of Police, Illupur has recorded the statement of the witnesses and has also altered the F.I.R for an offence under Section 306 I.P.C and also arrested the accused persons. Viscera report is awaited. Immediately, on receipt of the same, a final report will be filed by the Deputy Superintendent of Police, Illupur. A status report has also been filed by the Deputy Superintendent of Police, Illupur and in the status report, it is stated as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>

"3.I submit that on 09.09.2017 and 10.09.2017 statements



were recorded by Revenue Divisional Officer, Pudukottai from the deceased family and other concerned persons. The Revenue Divisional Officer categorically found that death was due to demand of dowry from the accused persons prior to the death of deceased. I received the report from the R.D.O. Office on 23.09.2017. I obtained statements under Section 161(3) of Cr.P.C from the seven witnesses and collected evidence in this case. Subsequently, I filed altered report from Section 174(3) of Cr.P.C to Section 306 of I.P.C and arrested the four accused persons to the learned Judicial Magistrate Court, Thirumayam on 12.09.2017. Afterwards the four accused were arrested and sent to judicial custody on 12.09.2017.

4.I submit that I strongly specifically denied the averments stated in the Para No.2 in the criminal original petition. I received the postmortem report on 09.09.2017. Subsequently, on 28.09.2017 the organs of the deceased was sent for chemical analysis (Viscera report) by the doctors. I have submitted requisition letter twice to the Forensic Department, Trichy for providing chemical analysis (Viscera report) quickly for completion of investigation. More particularly I sent requisition recently on 29.08.2018 to the Forensic Department, Trichy. But till date I did not receive the chemical analysis (Viscera report). Due to the same, I could not complete my investigation and file final report. I will file final report after receiving the final opinion / chemical analysis test report from the Forensic Department, Trichy".

4.In view of the subsequent development, this Court does not find any ground to transfer the investigation. There shall be a direction to the Deputy Superintendent of Police, Illupur to file a final report within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this criminal original petition is disposed of.

Sd/

Assistant Registrar(CO)

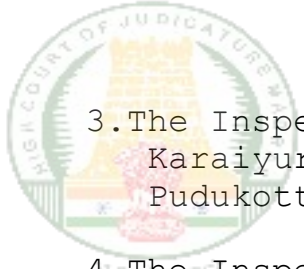
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Sub Assistant Registrar (CS-I)

To

1.The Superintendent of Police,
Pudukottai District.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The Deputy Superintendent of Police,
Illupur.



3.The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.

4.The Inspector of Police,
Crime Branch Crime Investigation
Department (CBCID),
Pudukottai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.GOKUL, Advocate, SR.No. 86320

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RMI
KK/RSK/SAR-1/23.10.2018/3P-7C