



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P.(MD).No.11843 of 2013

Lakshmanan ... Petitioner/Defacto complainant

Vs.

1.The State represented by
The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.

3.The Inspector of Police,
Palavur Police Station,
Tirunelveli District.
(Crime No.186/2013)

4.The Inspector of Police,
C.B.C.I.D. Wing,
Tirunelveli District.

... Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.186 of 2013 from the file of the 3rd respondent to the file of the 4th respondent and consequently direct the 4th respondent to conduct proper investigation in an expeditious manner and to file the final report within the stipulated period as prescribed by this Court.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.A.Robinson

Government Advocate (Cr1. Side)

O R D E R

The petitioner herein is the defacto complainant in Crime No.186 of 2013, on the file of the third respondent. The said case was initially registered under Section 174 of IPC. Subsequently, the petitioner herein approached this Court for giving protection to 3rd and 4th respondent to conduct proper investigation in an expeditious manner. Accordingly, he prays to change of investigation.



2. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondents submitted that during the time of investigation, the Doctor who conducted autopsy gave the final opinion as follows:

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"The deceased would appear to have died of drowning, as the postmortem findings are consistent with that of death due to drowning. Examination of viscera has not detected Ethyl alcohol or any other poison."

3. Furthermore, the earlier status report filed by the respondent/police categorically stated that the deceased was jumped into the well under the Control of alcohol. Except this no other submission was put forth by either counsel for deciding the issue raised in this application. Moreover, the Doctor gave the opinion in the year of 2013 itself. So considering, the facts and circumstances of the case, this Court came to the conclusion that this is not a fit case for change of investigation.

4. Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police, Tirunelveli District.
2. The Deputy Superintendent of Police, Valliyoor, Tirunelveli District.
3. The Inspector of Police, Palavur Police Station, Tirunelveli District.
4. The Inspector of Police, C.B.C.I.D. Wing, Tirunelveli District.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

TM

RL/6C/2P/SKN/RSK/SAR1/21/2/2018

Crl.O.P. (MD) No.11843 of 2013