

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No. 8114 of 2018
and
CRL.MP.No.4162 of 2016

Lawrence Salem Minz

...Petitioner

Vs.

1. The Inspector of Police,
Karunya Nagar Police Station,
Alathurai Police Station Circle,
Coimbatore,
(Crime No.19 of 2016)
2. Aldin Justin Sundaraj
Warden, Hepzibath Hostel,
Karunya University,
Karunya Nagar, Coimbatore.
3. The Joint Director and Head of Zone,
Central Bureau of Investigation,
III Floor, E.V.K.Sampath Building,
College Road, Chennai - 600 006.Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to order investigation in Crime No.19 of 2016 on the file of the first respondent and transfer the same to some other investigating agency viz., the Central Bureau of Investigation, represented by its Joint Director and Head of Zone, III Floor, E.V.K.Sampath Building, College Road, Chennai - 600 006 within the time frame fixed by this Court.

For Petitioner : Mr.P.Mahesh Kumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

: Mr.D.Shiva Kumaran
Mr.S.Mayilnathan for R2

ORDER

This Criminal Original Petition has been filed seeking transfer of investigation in Cr.No.19 of 2016, pending on the file of the first respondent.

2.The father of the deceased has filed this petition. The deceased was studying at Karunya University, Coimbatore from the academic year 2014-2015 onwards. On 18.04.2016, the petitioner was informed that his son had committed suicide and the petitioner rushed to the hostel on 19.04.2016. Based on the complaint given by the second respondent, who is the hostel warden, an FIR came to be registered in Cr.No.19 of 2016 under Section 174 of Cr.P.C. After investigation, a closure report came to be filed before the Judicial Magistrate No.5, Coimbatore.

3. The petitioner filed a protest petition and the same was allowed by the Judicial Magistrate by an order dated 23.02.2018, made in CMP.No.838 of 2017. The learned Judicial Magistrate ordered further investigation by the first respondent.

4. The learned counsel for the petitioner would submit that the first respondent did not conduct the investigation properly and he has closed the case in a hasty manner. Now, the learned Judicial Magistrate by virtue of the orders passed in the protest petition has directed the very same first respondent to conduct further investigation. The learned counsel would further submit that left with no other option, the present petition is filed seeking for transfer of investigation.

5. In the facts and circumstances of the case, this Court is of the considered view that the investigation can be continued by the first respondent by being effectively monitored by a higher officer. The Deputy Superintendent of Police, Perur, is directed to monitor the investigation conducted by the first respondent. The first respondent shall proceed further with the investigation effectively under the due monitoring of the Deputy Superintendent Police, Perur, and shall file a final report on the completion of the investigation, as expeditiously as possible.

The Criminal Original Petition is accordingly disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dh

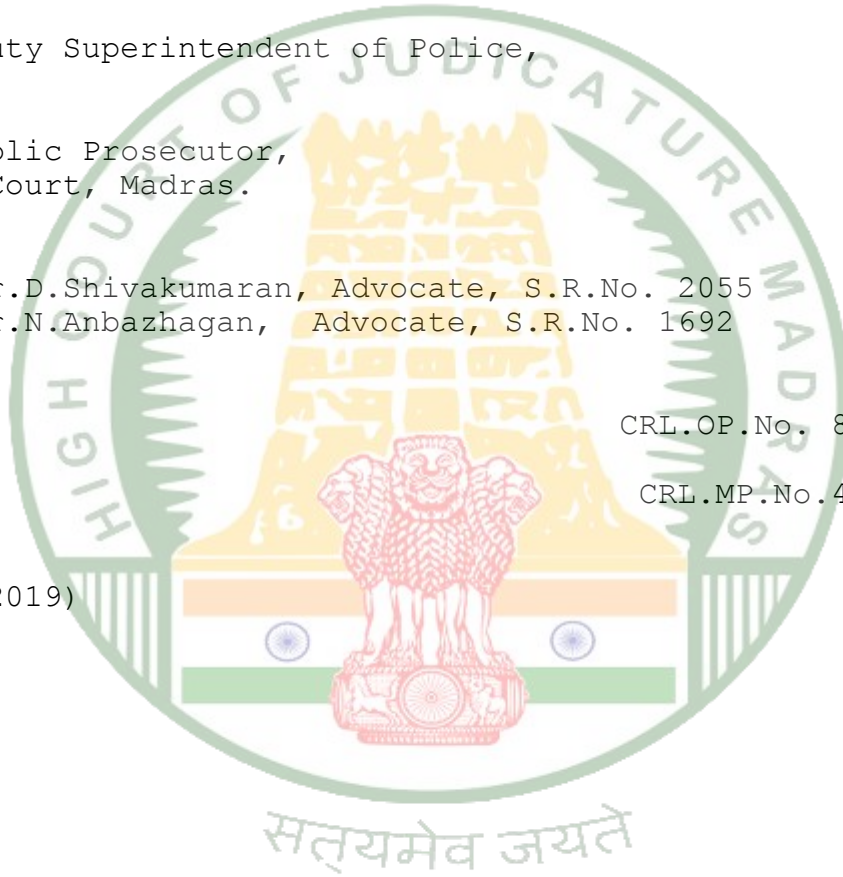
To

1. The Inspector of Police,
Karunya Nagar Police Station,
Alathurai Police Station Circle,
Coimbatore,
(Crime No.19 of 2016)
2. The Joint Director and Head of Zone,
Central Bureau of Investigation,
III Floor, E.V.K.Sampath Building,
College Road, Chennai - 600 006.
- 3.The Deputy Superintendent of Police,
Perur.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Shivakumaran, Advocate, S.R.No. 2055
+1cc to Mr.N.Anbazhagan, Advocate, S.R.No. 1692

CRL.OP.No. 8114 of 2018
and
CRL.MP.No.4162 of 2016

SS(CO)
GN(07/02/2019)



WEB COPY