

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.14440 of 2019

P.Santhakumar

... Petitioner

vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
- 2.The Superintendent of Police,
Coimbatore District,
Coimbatore.
- 3.The Inspector of Police,
Kovilapalayam Police Station,
Coimbatore District.
(Crime No.38 of 2019)
- 4.The Inspector of Police
CBCID, Coimbatore
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the Investigation in Crime No.38 of 2019 pending investigation on the file of 3rd respondent and entrust the investigation of the same to he 4th respondent CBCID or any other competent agency to secure the ends of justice.

For Petitioner : Mr.R.Srinivasa Rao

For Respondents: Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.38 of 2019, pending investigation before the 3rd respondent police.

2. The 3rd respondent police has filed a status report before this Court. The relevant portions of the status report are extracted hereunder.

"Para-4. I submit that immediate after registering the complaint, the then Investigation Officer went to the scene of occurrence, prepared observation mahazar and drew rough sketch in the presence of witnesses namely Tr.Saravana Kumar and Tr.Thisaiyalagan, then he has examined the following witnesses and recorded their statements:

- (1) Tr.Santhakumar - Defacto Complainant/Petitioner herein
- (2) Tr.Suriya - Relative of the Defacto Complainant
- (3) Tr.Damodharan - Hostel Warden of Sri Ranganathar Engg. College, Kovilpalayam
- (4) Tr.Manimaran - H.O.D of Sri Ranganathar Engg. College, Kovilpalayam.
- (5) Tr.Sathish - Asst. Professor of Sri Ranganathar Engg. College, Kovilpalayam.
- (6) Tr.Pandiaraj, (7) Tr.Gishnu, (8) Tr.Yuvaraj, (9) Tr.Akash
- (10) Tr.Katturaja, (11) Tr.Iyyanar (12) Tr.Ajith-Room-mets of the deceased.
- (13) Tr.Sanjay Gandhi - Principal of Sri Ranganathar Engg. College, Kovilpalayam.
- (14) Tr.Muthuraj - Technical Asst.
- (15) Tr.Periasamy, (16) Tr.Vijaya & (17) Tr.Ravindran-Relatives of the petitioner.

5. I submit that on the next day i.e 26.02.2019, at about 8.00 a.m to 10.00 a.m, the then Investigation Officer had conducted inquest on the Deceased body in the presence of Panchayatars. Thereafter, sent the body to the Postmortem in C.M.C.H, Coimbatore, after completion of Postmortem, the deceased body was handed over to the petitioner / De-facto complainant. On the same day, the Viscera samples were sent to Forensic Science Laboratory, Coimbatore for examination.

6. I submit that during the course of investigation, the then Investigation Officer obtained Postmortem Certificate, from Dr.Pernandam, Police Surgeon, Asst. Professor, Dept. of Forensic Medicine, Coimbatore, opined that "Reserved pending for chemical analysis report".

7. I submit that at this stage of pending investigation, now, the petitioner / de-facto complainant filed this present petition for seeking direction to transfer the investigation of this case in Crime No.38 of 2019 on the file of the Respondent to any other competent

investigation agency.

8. I submit that the respondent police registered the case and investigated the same is pending to get Final Opinion from the Postmortem Doctor, as soon as I receive the same, I will complete the investigation of this case and lay final report before the competent Court. Hence, for the above said bonafide reasons, at this stage, there is no necessity to transfer the investigation of this case to any other agency as prayed by the petitioner and the same has to be dismissed".

3. It is clear from the above that the investigation has been proceeding in a proper manner and the respondent police is awaiting for the viscera report and the final opinion of the Postmortem Doctor, before proceeding further to file a final report.

4. This Criminal Original Petition is disposed of with a direction to the 3rd respondent to complete the investigation and file a final report or a closure report, as the case may be, within a period of two months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
Coimbatore District,
Coimbatore.

3.The Inspector of Police,
Kovilapalayam Police Station,
Coimbatore District.

4.The Inspector of Police
CBCID, Coimbatore
Coimbatore District.

5.The Public Prosecutor
High Court of Madras.

AD(CO)
CB(19/09/2019)

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