

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.29175 of 2014

R.Nathigam

... Petitioner

Vs.

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

2.The Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai District

... Respondents

PRAYER:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the first respondent to transfer the investigation from the second respondent to CBCID, Thiruvannamalai in Crime No.428 of 2014 to secure the ends of justice.

For Petitioner : Mr.S.Titto Prabhu

For Respondents : Mrs.M.Prabavathy, A.P.P.

O R D E R

This petition has been filed by the petitioner to to direct the first respondent to transfer the investigation from the second respondent to CBCID, Thiruvannamalai in Crime No.428 of 2014.

2.The petitioner is the mother of one Aswin who had given a representation on 15.09.2014 to the 2nd respondent, on the premise that she had some suspicion in the death of her son which had taken place on 12.09.2014 and filed this petition seeking transfer of investigation from the 2nd respondent to the file of CBCID, Thiruvannamalai.

3.The 2nd respondent filed a status report stating that the closure report along with postmortem certificate, inquest

report, M.V. report and the proof of serving of RCS notice has been filed before the Judicial Magistrate-II, Tiruvannamalai.

3. On a perusal of the status report, it is seen that on 12.09.2014, the deceased Aswin who was engaged in placing banners at Radha Lodge Junction at Tiruvannamalai for the birthday of his friend's father Thiru. Newton, along with his friends Prasanna, Sakthivel, Kishore, Krishna, Sekar, Rajasekar, Sabari Santhakumar and Danushkodi. After completing his work, he took his friend Rajasekar in his two wheeler Yamaha bike bearing Regn. No. TN 25 AJ 6045 and after dropping his friend at his residence, he returned home at about 4.00 a.m. At that time he dashed against a pig near Esanialingam Temple, Tiruvannamalai and got hurt and fell from the bike and was lying on the road. The Villagers who passed by that side viz. Mayilarasan, Yuvaraj and Gnanasekar went to rescue the said Aswin and the pig which was released from the wheel of vehicle ran away. The villagers then called 108 Ambulance. The paramedical staff found the Aswin dead and the body was sent to the Government General Hospital, Tiruvannamalai. Thereafter, a case came to be registered on 12.09.2014 in Crime No. 428 of 2014 for the offence u/s. 279, 304-A IPC.

4. The statement of witnesses as well as the postmortem certificate is in conformity to the investigation that the said Aswin had died due to head injury sustained due to the road accident. The RCS notice No. 51 of 2014 has been served to the petitioner. The petitioner refused to receive the same, hence, in the presence of VAO and Village Assistant, the RCS notice was stuck in the house of the petitioner. Thereafter, final report had been filed before the learned Judicial Magistrate-II, Tiruvannamalai as RCS. No. 209 of 2014. Hence, this court finds no infirmity in the investigation. The investigation is properly carried out and needs no interference.

5. In view of the RCS No. 209 of 2014 filed before the Judicial Magistrate-II, nothing survives in this petition for further adjudication. Accordingly, this petition stands dismissed.

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Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

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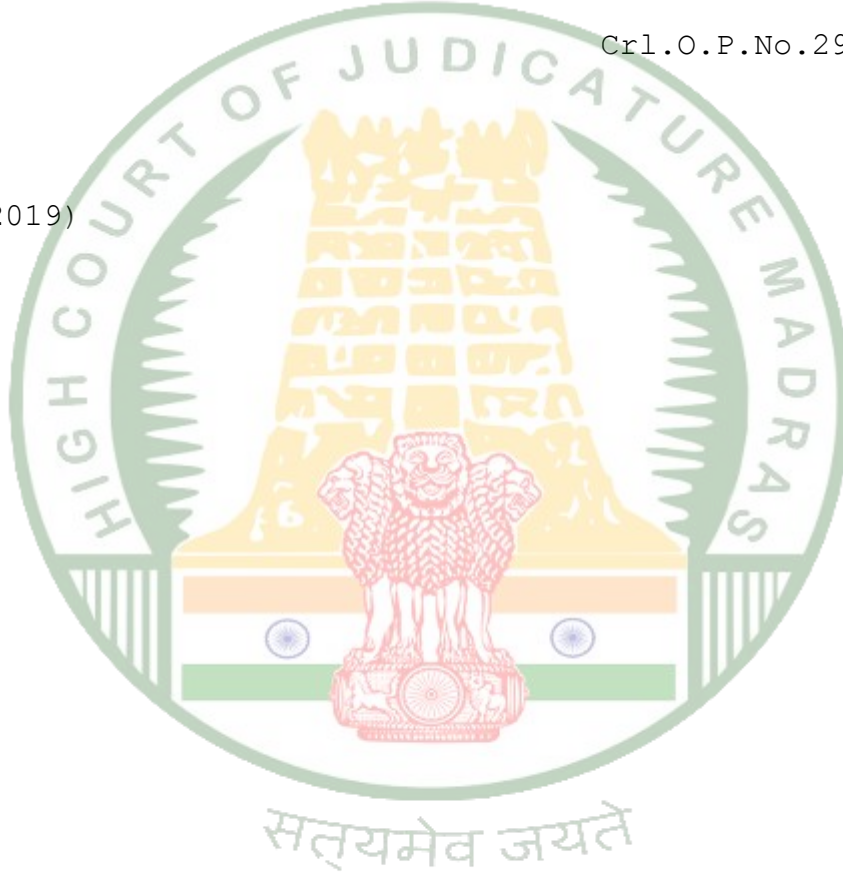
1.The Superintendent of Police
Thiruvannamalai District
Thiruvannamalai

2.The Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai District

3.The Public Prosecutor
High Court of Madras

CrI.O.P.No.29175 of 2014

GP(CO)
GN(16/12/2019)



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