

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.30983 of 2014

Mrs.Jennifer

... Petitioner

Vs.

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

2. The Commissioner of Police,
Chennai Police,
Vepery,
Chennai - 600 007.

3. The Inspector of Police,
Tada Police Station,
Nellore
District.

... Respondents

PRAYER:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to TRANSFER the case in Crime No.208 of 2014 on the file of Inspector of Police, Tada Police Station, Nellore District, Andhrapradesh to CBCID, Chennai.

For Petitioner : Mr.Mathivanan
for Mr.R.Sankarasubbu

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

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O R D E R

This petition has been filed to TRANSFER the case in Crime No.208 of 2014 on the file of Inspector of Police, Tada Police Station, Nellore District, Andhrapradesh to CBCID, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner is the mother of Andre Domnic Green Wood, residing at No.12, Harbour Colony, Madavaram.

3. On 03.10.2014 in the night, the said Andre Domnic Green Wood gone out with his friends, later he was found murdered and the body was thrown away near Tada Border, Nellore District.

4. The petitioner submit that on 04.10.2014, at 15.00 hours, a case was registered in Crime No.208/14 under 174 of Cr.P.C by the Tada Police Station, Nellore District. The petitioner contention is that the post-mortem was not conducted as per rules. Hence, the petitioner submitted a representation dated 08.10.2014 to the Superintendent of Police, Nellore and the Commissioner of Police, Chennai for re-postmortem. The re-postmortem was conducted in Kilpauk Medical College Hospital, Chennai on 28.10.2014 and she came to know that her son was murdered, there were feasible injuries on the face, head and his hands were tied and ribs broken.

5. Thereafter, the petitioner submitted a representation dated 03.11.2014 to the D.G.P, Chennai, praying to transfer the case to CBCID, Chennai. No action was taken on the said representation. Hence, the petitioner filed this petition to transfer Crime No.208 of 2014 from the file of Inspector of Police, Thada Police Staion, Nellore District, Andhrapradesh to CBCID, Chennai to secure justice and filed typed set of papers wherein, the F.I.R in crime No.208 of 2014 and the representations dated 08.10.2014 and 03.11.2014 were filed. The representation dated 08.10.2014 seeks for fresh post-mortem on her deceased son Andre Domnic Green Wood through which had been carried out.

6. With regard to the second representation dated 03.11.2014, it is seen that the Tada Police had already registered the case in Crime No.208/2014 on 04.10.2014 and investigation was going on.

7. Further he relied on the decision reported in (2000) 7 Supreme Court Cases 640 [Navinchandra N.Majithia Vs.State of Maharashtra and others]

8. The learned Additional Public Prosecutor (Crl.side) submitted that on the representation of the petitioner on 08.10.2014 the body of her son was exhumed second post-mortem was conducted on 28.10.2014, the post-mortem report was handed over to the petitioner. The petitioner for her grievance, she

has to approach the Tada Police and the concerned Court in Andhra Pradesh for proper investigation and not before this Court.

9. He further submits that he has filed a status report stating that as per the requisition of the petitioner and the 3rd respondent's requisition, the above said body of the deceased was exhumed and conducted re-postmortem on 28.10.2014 by the Team of Doctors, Kilpauk Medical College Hospital, Chennai and issued Re-postmortem report to the 3rd respondent police.

10. The petitioner's son had gone out along with his friends and thereafter the alleged occurrence had taken place.

11. In the State of Andhra Pradesh within the jurisdiction of the Tada Police who have registered case, conducting investigation.

12. Considering the rival submissions and the material placed, it is admitted that the petitioner's son had gone out along with his friends on 3.10.2014 and later his body was found with injuries within the jurisdiction of Tada Police Station who registered a case in Crime No.208 of 2014 immediately on 04.10.2014 under Section 174 of Cr.P.C and investigation was taken up. Further, the citation referred by the petitioner are not applicable to the facts and circumstances of the case.

13. In view of the same, this Criminal Original Petition is dismissed. However, the petitioner is given liberty to approach third respondent with regard to the investigation of the case if aggrieved against the investigation of the third respondent, petitioner to approach the concerned court to seek her remedies.

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

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

2.The Commissioner of Police,
Chennai Police,
Vepery,
Chennai - 600 007.

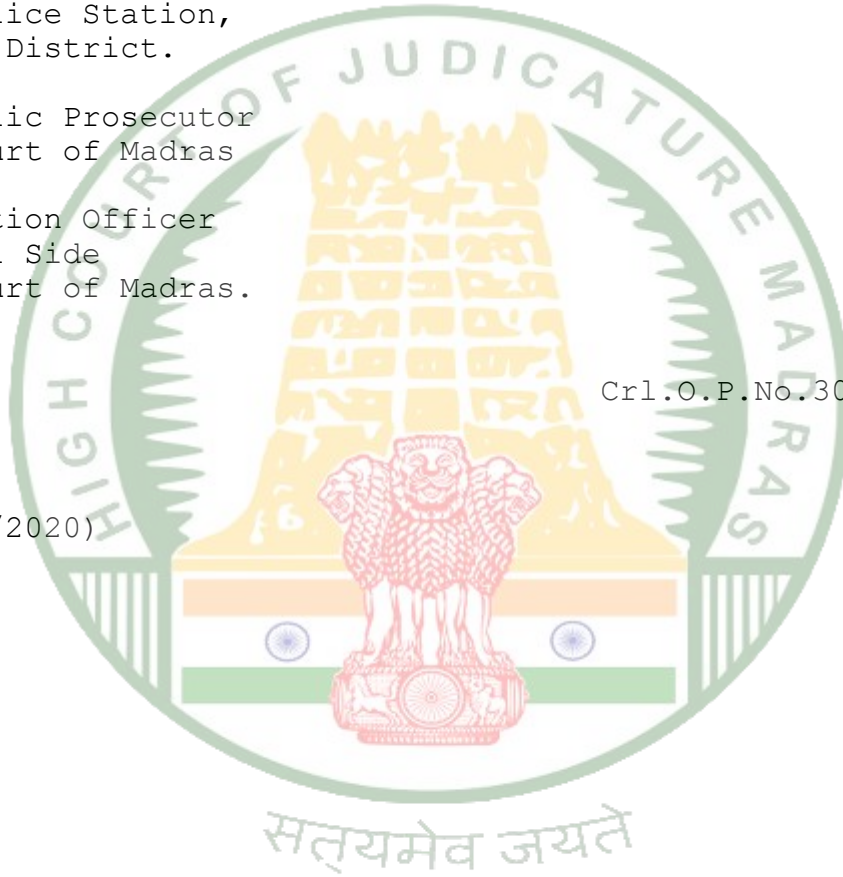
3.The Inspector of Police,
Tada Police Station,
Nellore District.

4.The Public Prosecutor
High Court of Madras

5.The Section Officer
Criminal Side
High Court of Madras.

CrI.O.P.No.30983 of 2014

SEL (CO)
RSI (22/05/2020)



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