



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.3122 of 2019

M.Ramamoorthy

: Petitioner

Vs.

1. The Superintendent of Police,
Theni District, Theni.
2. The State rep. by
The Inspector of Police,
Theni Police Station,
Theni, Theni District.
(Crime No.93 of 2019)
3. The Deputy Superintendent of Police,
CBCID Wing,
Palanivelrajan Road,
N.R.T.Nagar, Samatharmapuram,
Balasanga Paruppu Mill,
Theni District, Theni.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the case in Crime No.93 of 2019 on the file of the Inspector of Police, Theni Police Station, Theni Theni District to be withdrawn and transfer to the third respondent for further effective sincere and unbiased investigation forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For Respondents	: Mr.V.Neelakandan
	Additional Public Prosecutor

ORDER

The present petition is filed seeking transfer of investigating Agency.

2. The petitioner's brother was found hanging in a reserved forest and the case in Crime No.93 of 2019 has been registered for the offence punishable under Section 174 Cr.P.C..



3. The learned counsel for the petitioner submitted that the dead body was found in the stage of decomposition and photographs taken at SOC shows that both legs of the victim were touching the ground, that even the knees were also touching the ground. No greater situation, would be required to prompt the prosecution to suspect that it *prima facie* not a case of suicide.

4. The learned Additional Public Prosecutor, when required, made available the postmortem report. The postmortem report indicates the presence of ligature marks but also indicates that the body was substantially decomposed and hence many aspects could not be noted. Further, biological and chemical analysis report is yet to be obtained from the forensic lab and that, the investigation has not yet been completed.

5. Be that as it may, the petitioner now submits that he has some information to share with the Investigating Agency to provide some vital lead to it for unravelling what he terms it, as a murder.

6. Considering the submissions made by the learned counsel for the petitioner and taken along side the photographs, it appears that the case goes well beyond the one covered under Section 174 Cr.P.C.,

7. The first respondent, Superintendent of Police, Theni District is now directed to oversee the investigation of this case. If necessary he may even consider changing the Investigating Officer in this case. The petitioner herein is also directed to approach the first respondent with whatever information he has with regard to this case.

8. With the above observation, this criminal original petition is disposed of.

Sd/-
Assistant Registrar (CO)

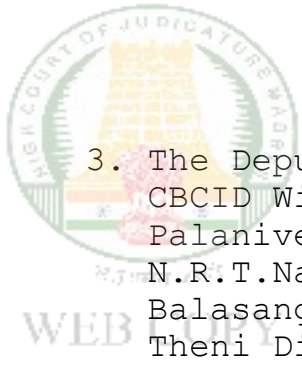
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Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni.

2. The Inspector of Police,
Theni Police Station,
Theni, Theni District.



3. The Deputy Superintendent of Police,
CBCID Wing,
Palanivelrajan Road,
N.R.T.Nagar, Samatharmapuram,
Balasanga Paruppu Mill,
Theni District, Theni.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-51152[F] dated
01/03/2019)

TA

TE : 26/03/2019 : 3P/6C

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