



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.14145 of 2019

WEB COPY

Alociyas Franschika

... Petitioner

-Vs-

1. The Superintendent of Police
Kanyakumari District.

2. The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in Crime No.214 of 2019 pending on the file of the 2nd respondent to any other agency.

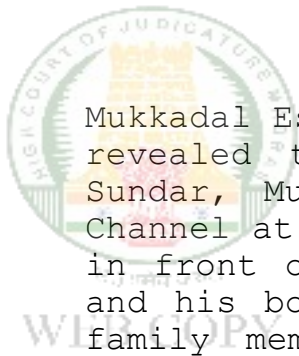
For Petitioner : Mr.C.Senthil Murugan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(crl.side)

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.214 of 2019 pending on the file of the 2nd respondent to any other agency.

2.The learned counsel for the petitioner would submit that the husband of the petitioner was working as a Scientist / Engineer in ISRO, Mahendragiri. On 13.07.2019, at about 03.00 pm, the petitioner's husband along with his friends/office colleagues had gone to take bath at Mukkadai Esakkiamman Kovil, Anandhanar Channel. When the petitioner's husband was taking bath, he drowned in the Channel and died. Thereafter, his body was floating at Kariyankulam Channel and thereafter, his body was brought into the Government Medical College Hospital, Asaripallam for post mortem. Thereafter, a case has been registered in Crime No.214 of 2019 for the offence under Section 174 of Cr.P.C. The second respondent did not conduct investigation in a proper manner and hence, the petitioner approached this Court.

3.The second respondent filed his status reported stating that they have enquired more than 25 persons, including his friends and office colleagues, who went along with the deceased to take bath at



Mukkadal Esakkiamman Kovil, Ananthanar Channel and on enquiry it was revealed that the deceased went along with his friends, viz., Sundar, Muthu Raj, Marianesan and others had gone to Ananthanar Channel at Mukkadal to take bath. When the deceased was taking bath in front of Issakkiamman Kovil, he drowned in the Channel and died and his body was floating at KarriyanKonnamm Channel. In fact the family members of the deceased did not state any suspicion as against the deceased's friends or office colleagues. Further the post mortem report also discloses that there was seven abrasion found in the body of the deceased and also reveals that the death due to drowning, further the report of the Department of Forensic Sciences Laboratory is highly necessary and it is pending.

4.The learned counsel for the petitioner would submit that even according to the prosecution the Doctors found that there was seven abrasion wound in the body of the deceased. Therefore, there is absolutely no explanation for the said wound sustained by the deceased. Therefore, he sought for further change of investigation from the file of the second respondent to any other investigation agency.

5.Heard both sides.

6.Considering the above facts and circumstances, the entire investigation now almost completed and on the enquiry of the deceased's colleagues and friends revealed that he died only at the time of taking bath in the Channel and drowned. Further visara report is pending from the Department of Forensic Sciences Laboratory, at this stage, it would affect the entire investigation and hence, the prayer sought for by the petitioner cannot be granted. However, the second respondent is directed to consider the request of the petitioner and complete the investigation and file the final report within a period of eight weeks from the date of receipt of a copy of this order. The first respondent is also directed to monitor the investigation by the second respondent and ensure that the second respondent shall complete the investigation and file the final report as directed by this Court.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Superintendent of Police
Kanyakumari District.

2. The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.

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

+1 CC to Mr.M.RAMESH, Advocate (SR-92947[F] dated 18/10/2019)

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