



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.(MD) No.16430 of 2017

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A.Sankaramahalingam ... Petitioner

-vs-

1.State through by
the Superintendent of Police
Madurai, Madurai District.

2.The Inspector of Police,
Koodakovil Police Station,
Koodakovil
Tirumangalam
Madurai District.
Crime No.220/2016

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation in Crime No.220 of 2016 on the file of the respondent police to some other independent investigating agency or CBCID, Madurai.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel for Mr.K.Prabhu

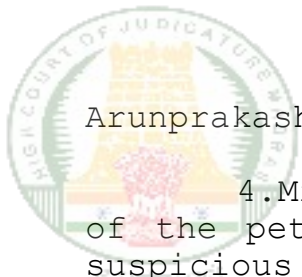
For Respondents :Mr.M.Chandrasekaran
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking for transfer of investigation in Crime No.220/2016 pending investigation on the file of the 2nd respondent police.

2.The petitioner is the father of the deceased Arunprakash. His son died under suspicious circumstances and the petitioner suspects that the death could have been caused due to the gross negligence on the part of the hospital, which gave treatment to the above said Arunprakash.

3.Based on the complaint given by the petitioner, an FIR came to be registered in Crime No.220/2016 under Section 174 Cr.P.C. The grievance of the petitioner is that there has been absolutely no progress in the investigation and the petitioner is not in a position to know the real reason behind the death of his son



Arunprakash.

4.Mr.V.Kathirvelu, learned Senior counsel appearing on behalf of the petitioner, submitted that the petitioner's son died under suspicious circumstances and the petitioner has been running from pillar to post for the last four years in order to ascertain the real reasons behind the death of his son. The learned senior counsel further submitted that there is a strong suspicion that it is only because of the gross negligence on the part of the hospital concerned, the death had taken place. Therefore, it requires an investigation by an independent agency or a high level police officer in order to find out the truth behind the death of the petitioner's son.

5. Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the death of Arunprakash was caused due to suicide. The learned counsel submitted that the chemical examination report is awaited and the cause of death will be known only after the receipt of the report. The learned counsel further submitted that there is no suspicion behind the death of the petitioner's son and it is a clear case of suicide.

6. The petitioner, who has lost his son in the year 2016, is yet to know the reason for the death of his son. The petitioner has a very strong suspicion behind the death of his son. The FIR was registered in the year 2016 and till date, the second respondent is not even able to tell before this Court about the progress in the investigation and it is stated that the chemical analysis report is still awaited. The FIR continues to be at the stage of Section 174 Cr.P.C. till date.

7. This Court is not satisfied with the manner in which the investigation has taken place in this case. After all, the petitioner wants to know the real reason behind the death of his son. It will not take three years for the second respondent to get the chemical analysis report in this case. That itself shows the lackadaisical manner in which the investigation is taking place in the present case.

8. In view of the above, this Court is inclined to transfer the investigation in this case from the file of the second respondent. The investigation shall be carried out by the Deputy Superintendent of Police, Tirumangalam. The second respondent shall entrust the entire case diary to the Deputy Superintendent of Police within a period of ten days from the date of receipt of copy of this order. On receipt of the case diary, the Deputy Superintendent of Police, Tirumangalam, shall proceed further with the investigation and complete the investigation and file a report within a period of three months thereafter.



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9. The criminal original petition is disposed of with the above directions.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Superintendent of Police
Madurai, Madurai District.

2.The Inspector of Police,
Koodakovil Police Station,
Koodakovil,Tirumangalam
Madurai District.

3.The Deputy Superintendent of Police,
Tirumangalam, Madurai District.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-100772[F] dated 22/11/2019)

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20.11.2019

_KK/SAR/16.12.2019/3P-6C/