

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.11378 of 2017

Ramalingam

... Petitioner

Vs.

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

2.The Inspector of Police,
Maraimalainagar Police Station,
Kancheepuram District,
Crime No.451 of 2017.

... Respondents

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C., to direct the first respondent to transfer the investigation in Crime No.451 of 2017 on the file of the Inspector of Police, Maraimalainagar Police Station, Kancheepuram District, the second respondent herein to CBCID, Kancheepuram.

For Petitioner : Mr.R.Sankara Subbu

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

सतयमेव जयते
O R D E R

This petition has been filed to direct the first respondent to transfer the investigation in Crime No.451 of 2017 from the file of the second respondent to C.B.C.I.D, Kancheepuram.

2. It is seen that the petitioner's wife was suffering from Kidney Stone and she was admitted in S.R.M.Hospital, Potheri, Kancheepuram District. Thereafter, she was not given proper treatment. Further due to the negligence of the doctors and due to wrong operation done to the petitioner's wife her Kidney was punctured and subsequently, she died. Therefore, the petitioner lodged a complaint against the doctors and even then, the second respondent registered the case under Section 174 of

Criminal Procedure Code. Now, the investigation is still pending for the past 3 years, without even conducting any proper investigation.

3. The learned Additional Public Prosecutor would submit that after registering the F.I.R, the post mortem report as well as the video graphs of the post mortem are not connected to each other. In this regard the 2nd respondent called for the expert opinion from the Medical Officers, Department of Urology, Madras Medical College, Chennai, which reads as follows :

"The Post mortem findings/report does not correlate with the Video graph submitted. Since there is a lot of discrepancies between the video submitted and the Post Mortem report. Histopathology Report and Photographs submitted, a definite conclusion as to the cause of death cannot be referred. However, based on the Video Graph and the Histopathology report, the death did not occur due to the endoscopic procedure."

4. Considering the above submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, the investigation cannot be continued with the second respondent. Accordingly, the investigation in Crime No.451 of 2017, is hereby withdrawn from the file of the second respondent herein and the same is transferred to the file of the Inspector of Police, C.B.C.I.D, Kancheepuram for further investigation. On receipt of the entire case diary in Crime No.451 of 2017, the Inspector of Police, C.B.C.I.D, Kancheepuram, is directed to complete the investigation and file a report twelve weeks from the date of receipt of entire case diary.

5. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ms
To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
Maraimalainagar Police Station,
Kancheepuram District.

3.The Inspector of Police,
C.B.C.I.D.
Kancheepuram.

4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.11378 of 2017

AD (CO)
GMY (09/09/2020)



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