

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2020

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.13679 of 2017

B.A.Chinnappa

... Petitioner

Vs.

1.The Commissioner of Police,
Vepery,
Chennai.

2.The Inspector of Police,
J-8, Neelankarai Police Station,
Nelankarai, Chennai.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the 1st respondent to transfer the investigation in Crime No.814 of 2016 on the file of the Neelankarai Police Station to CBCID, Chennai to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The petitioner filed this petition seeking direction to transfer the investigation in Crime No.814 of 2016 from the file of the Neelankarai Police Station to the file of the CBCID, Chennai.

2. The contention of the petitioner is that his son John Filomin was done to death in a cruel manner by one Stephen S/o.Santhana Raj on 19.04.2015. The said murder was committed by administering Cyanide Poison, which was brought to light by the associates of Stephen viz., Muruganantham, Balaji and Sathish Kumar, during the investigation in Crime No.814 of 2016 before the Inspector of Police, Neelankarai.

3. The learned counsel for the petitioner submitted that based on the complaint of Stephen, the Inspector of Police, Neelankarai registered the case in Crime No.814 of 2016 and conducted the investigation. During the investigation, they arrested Muruganantham, Balaji and Sathish Kumar on 27.04.2016. At that time the said three accused had given a confession,

stating that they joined with Stephen and on his instructions, during the 3rd week of April, 2015, John Filomin, who is the brother of Stephen's wife was administered injection with Cyanide poison and thereby, he was done to death. Thereafter, during May, 2015, one Sridhar at Utharamerur and during November, 2015 one Henry at Madipakkam were done to death by injecting them with Cyanide poison. He further submitted that during the house search of Stephen one Pistol, one Revolver, Cyanide poison, syringe and needles were seized. Thereafter, the accused as well as Stephen were arrested under Section 25(1B) (a).

4. The apprehension of the petitioner is that despite the respondent police coming to know about the grave and serial murders committed by the accused, the case registered is only under Arms Act and investigation is not conducted as contemplated in law. Since it is a case of serial murder executed in a well planned manner by using deadly Cyanide poisons injected on the victims, it would be appropriate that a single investigating agency like CBCID Officials to conduct proper investigation.

5. The learned Additional Public Prosecutor, on instructions, submitted that from the F.I.R in Crime No.814 of 2016, the Inspector of Police, Neelankarai Police on coming to know about the other murders committed by the accused therein, immediately contacted the respective Station House Officers/ Investigating Officers, informed the same and to verify the suspicious death in their jurisdiction, which have been registered under Section 174 of Criminal Procedure Code. He further submitted that on investigation the respective Inspector of Police have registered the cases as follows :

(1) Crime No.798 of 2015 has been registered and investigated by the Inspector of Police, Thousand Light Police Station, wherein the petitioner's son John Filomin is the victim. Further, in this case investigation completed, charge sheet filed and taken on file in P.R.C.No.43 of 2017, which is pending before the XIV Metropolitan Magistrate, Egmore, Chennai ;

(2) Crime No.119 of 2015 has been registered and investigated by the Inspector of Police, Utharamerur Police Station, wherein the victim is Sridhar. Further, in this case investigation completed charge sheet filed and taken on file in P.R.C.No.2 of 2017, which is pending before the Judicial Magistrate, Chengalpattu ;

(3) Crime No.261 of 2015 has been registered and investigated by the Inspector of Police, Madipakkam Police Station, wherein the victim is Henry. Further, in this case investigation completed, charge sheet filed and taken on file in P.R.C.No.12 of 2017, which is pending before the learned

Judicial Magistrate, Alandur.

Thus, all the three murder cases investigation completed and charge sheet filed before the concerned Magistrate Courts by the respective respondent police.

6. In view of the above, the apprehension of the petitioner has been addressed and in all the cases Stephen and his associates are the accused. The learned XIV Metropolitan Magistrate, Egmore, Chennai, the learned Judicial Magistrate, Chengalpattu and the learned Judicial Magistrate, Alandur are directed to complete the committal formalities without any further delay and the concerned Sessions Judge are also directed to complete the trial within a stipulated time. The investigating officers to take effective steps to prosecute the accused persons.

7. Considering the above submissions and on perusal of the materials, it is seen that in all three cases, investigation has been completed, charge sheet filed before the committal Courts and the cases are pending committal from the year 2017. Hence, this Court directs the concerned committal Magistrates to complete the proceedings, within a period of two months from the date of lifting of lock down and normal functioning of the Court. Thereafter, the concerned Sessions Judge to give top priority in disposal of the cases, without any further delay as the occurrences are of the year 2015. After committal, the trial Court shall conduct the trial on a day today basis without any further delay. The prosecution to be vigilant without any delay to produce the witnesses on hearing dates and to complete the trial within a stipulated time, preferably within a period of four months from the date of commencement of proceedings before the concerned Trial Court.

8. With the above direction, this Criminal Original Petition is disposed of.

सत्यमेव जयते
-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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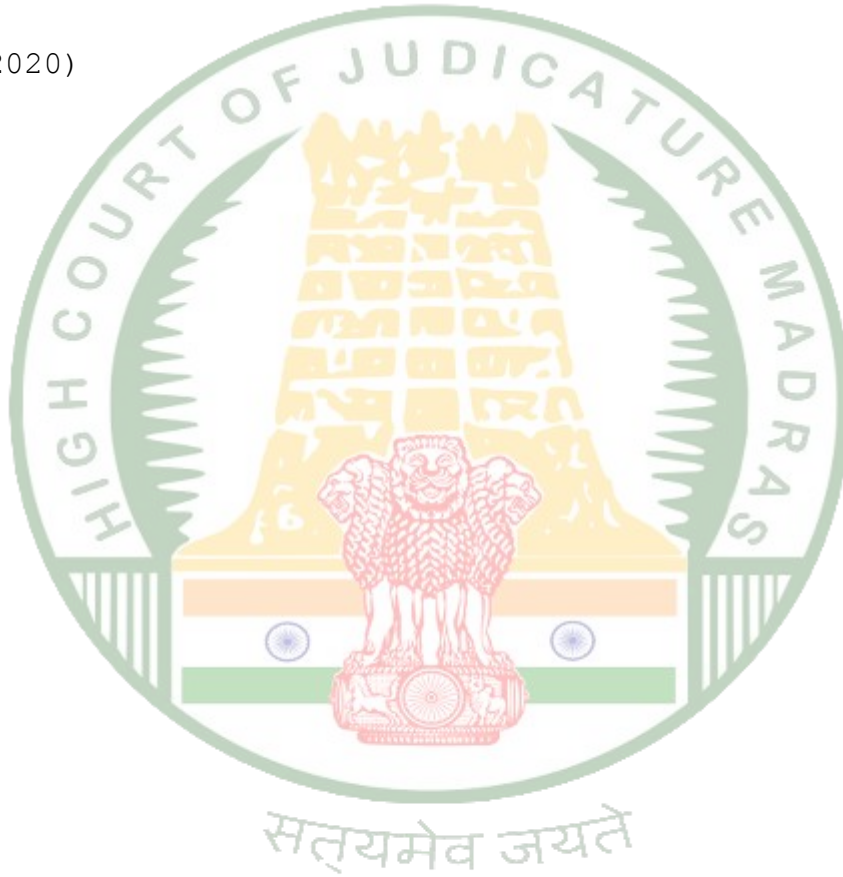
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SP(06/10/2020)



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