



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

CrI.O.P.(MD)No.9154 of 2020

Mary Beeja

... Petitioner/Victim

Vs.

1. The Superintendant of Police,
Ramanathapuram District,
Ramanathapuram.

2. The Inspector of Police,
CBCID,
Ramanathapuram,
Ramanathapuram District.

3. The Inspector of Police,
Pamban Police Station,
Pamban,
Ramanathapuram District.
(crime No.239 of 2020)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation in Crime No.239 of 2020 dated 13.07.2020 on the file of the third respondent herein to the second respondent or any other Superior Officer within the District on the basis of the petitioner's representation to the first respondent through post.

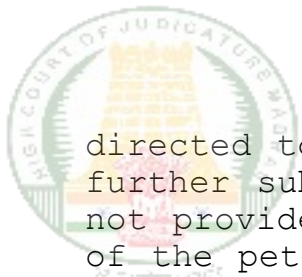
For Petitioner : Mr.A.Thiruvadi Kumar

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the first respondent to withdraw the investigation made in Crime No.239 of 2020, dated 13.07.2020, on the file of the third respondent herein and to transfer the same to the file of the second respondent or to any other Superior Officer within the District competent to investigate the same on the basis of the petitioner's representation.

2.The learned counsel appearing for the petitioner would submit that during the time of occurrence, Ranjith Buildcon Ltd., which is a private company, engaged the petitioner's husband and



directed to attend the repair work in the Pamban bridge. He would further submit that in the work place the petitioner's husband was not provided with safety measures and due to the same, the husband of the petitioner met an accident and as a result of which, he was died, for which, the third respondent police herein registered the case in Crime No.239 of 2020, under Section 174 of Cr.P.C and after words he had not alter the section of law, further, he did not consider the representation given by the petitioner. According to the petitioner, the death is due to the carelessness and negligence on the part of the employer and not due to the other things. Therefore, the grievance addressed by the petitioner is that the investigation may be changed from the hands of the third respondent.

3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that as of now after registration of the case for the offence punishable under Section 174 of Cr.P.C., the section of law has not been altered. However, investigation is in the threshold stage only and on the completion of investigation, the third respondent herein will come to the correct conclusion as to whether the death of the petitioner's husband is due to natural or unnatural means.

4.Upon considering the arguments advanced by either side, it is not in dispute that the petitioner has not indicated a specific allegation against the third respondent, particularly, in respect of the investigation conducted by the third respondent. The only grievance addressed by the petitioner is that the death of her husband, is due to the negligence on the part of the employer. So, the said allegation has to be dealt with seriously for compensating the loss sustained to the petitioner. In the said circumstances, both the learned counsel for the petitioner and the learned Additional Public Prosecutor would fairly concede for passing an order to direct the Deputy Superintendant of Police, Ramanathapuram, to monitor the investigation conducted in connection with crime No.239 of 2020.

5.Accordingly, this Criminal Original Petition is disposed of with the direction to the Deputy Superintendant of Police, Ramanathapuram, to monitor the investigation conducted by the third respondent in Crime No.239 of 2020.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Superintendent of Police,
Ramanathapuram.
3. The Inspector of Police,
CBCID,
Ramanathapuram,
Ramanathapuram District.
4. The Inspector of Police,
Pamban Police Station,
Pamban,
Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.9154 of 2020
01.09.2020

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