



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.12471 of 2016

WEB COPY

Kasthuri

... Petitioner

Vs.

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

2.The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

3.The Inspector of Police,
CBCID, Tirunelveli,
Tirunelveli District.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to withdraw the investigation of Crime No.142 of 2016 from the second respondent and to hand over the same to the third respondent or any other independent and efficient investigation agency or officer, for conducting appropriate investigation in a manner known to law.

For Petitioner	: Mr.S.Jeyakarthik
For Respondents	: Mr.A.Robinson, Government Advocate (crl.side)

ORDER

The petitioner's husband Seemon was found dead on 11.05.2016. He had apparently suffered head injury. Blood was found splashed on the place where the dead body of the petitioner's husband was found. Based on the complaint of the owner of the field, Crime No.142 of 2016 was registered under Section 174 of Cr.PC. Thereafter, postmortem was conducted. The second respondent thereupon filed an alteration report and made one Subbiah as the sole accused in this case. Final report has also been made ready. The stand of the prosecution is that the deceased Seemon died due to electrocution. Subbiah wanted to screen the said offence. Final report has been made ready as if Subbiah had committed the offences under Sections 394 and 201 of IPC. It is at this stage, this criminal original petition has been filed seeking transfer of investigation.



2.The learned counsel appearing for the petitioner drew my attention to the Postmortem Certificate No.684 of 2016 dated 12.05.2016 issued by Senior Assistant Professor in Forensic Medicine, Tirunelveli Medical College, Tirunelveli. In the said postmortem certificate final opinion has been given to the effect that the deceased would appear to have died on head injury. The petitioner's counsel also produced a bunch of photographs which clearly indicate that the death was not due to electrocution, but some other cause.

3.I have to express my total dissatisfaction with the manner in which the investigation has been conducted and concluded. The Government Counsel states that though final report has been made ready and filed, it is yet to be taken on file. I direct the learned Jurisdictional Magistrate to return the final report to the second respondent herein. The Superintendent of Police, Tenkasi District is directed to appoint an investigation officer to conduct investigation in the matter. The investigation shall also be personally monitored by the Superintendent of Police, Tenkasi District. The final report shall be filed by the investigation officer as early as possible.

4.The new investigation officer shall record further statement of the petitioner herein. The petitioner herein shall set out all the circumstances which according to her are relevant. The investigation officer shall bear in mind that the Forensic Doctor had on dissection of head had found that diffuse reddish antemortem contusion were seen all over right side of scalp. Brain : Liquified, mixed with blood. Registry is directed to mark a copy of this order to the Superintendent of Police, Tenkasi District, Tenkasi.

5.This criminal original petition is allowed on these terms.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

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



2.The Inspector of Police,
Puliyangudi Police Station, Tirunelveli District.

3.The Inspector of Police,
CBCID, Tirunelveli, Tirunelveli District.

4.The Superintendent of Police,
Tenkasi District, Tenkasi.

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

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-4194[F] dated
31/01/2020)

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MK (07.02.2020) 3P 7C