

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.OP.No.333 of 2021

K.Thiruvenkadam

...Petitioner

.Vs.

State by

1.The Superintendent of Police,
Vellore District,
Now Ranipet District.

2.Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District,
Now Ranipet District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.572 of 2020 from the 2nd respondent police to CBCID police at Chennai as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Ramesh

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking for transfer of investigation pending in Crime No.572 of 2020, on the file of the 2nd respondent to some other Investigation Agency.

2.The 2nd respondent has filed a Status Report in this case. The relevant portions in the Status Report are extracted hereunder:

"4.It is submitted that during the course of investigation, the Sub Inspector of Police went to place of occurrence, prepared rough sketch and observation mahazar in the presence of

witnesses by name, Tr.Raja and Tr.Periyasamy also examined the witnesses and recorded their statements.

(i) Tr.K.Thiruvankadam - de facto complainant/father of the deceased/petitioner.

(ii) Tmt.Pushpa-mother of the deceased

(iii) Tr.Paulraj - eye witness

(iv) Tr.Selvakumar - eye witness

5.It is submitted that during the course of investigation, the Sub Inspector of Police collected the CCTV footage from the Scene of occurrence and the same was verified, but no clue obtained.

6.It is submitted that during the course of investigation, the Sub Inspector of Police went to the junction of Arigil Padi Village near Thakkolam Railway Station opposite in and around areas and enquired the accident vehicle with Car Mechanic Shed, Petrol Bank, but no clue was obtained.

7.It is submitted that based on the death intimation, on 15.11.2020, the Sub Inspector of Police altered the section into 279, 304(A) IPC and the same was submitted before me and took up the case for further investigation.

8.It is submitted that, I have conducted the inquest on the deceased body in the presence of the panchayataras viz., Tr.Ganapathy, Tr.Siranjivi, Tr.Kuppan, Tr.Dhamadhiran and Tr.Rajendran at Rajivi Gandhi Government General Hospital, Chennai. After completion of Post Mortem the deceased body was handed over to the petitioner/de facto complainant.

9.It is submitted that on 16.11.2020, I have received Post Mortem Certificate from Dr.Prakash, M.B.B.S. Tutor in Forensic Medicine, Chennai, who conducted Post Mortem, which reveals that the deceased would appear to have died due to effects of head injuries as a result of injury to vital organ brain.

10.It is submitted that on 16.11.2020, I have examined one Tr.Paulraj, Tr.Selvakumar,

Tr.Raja, Tr.Periyasamy, Tr.Nagarajan, Tr.Kumar and Tr.Ramkumar and recorded their statements, in which they stated that on the date occurrence one unknown person drive a car rash and negligent manner and dashed on the two wheeler of the deceased and escaped from the sport.

11.It is submitted that I have searched the CCTC footage at the scene of occurrence and nearby areas and also visited to the above said places, wherein enquired with the public, but no clue was obtained.

12.It is submitted that at this stage, now the petitioner/father of the deceased filed this present petition before this Hon'ble High Court to direct the 2nd respondent police to CBCID police at Chennai as prayed by the petitioner.

13.It is submitted that in order to complete the investigation, I have secure the accused and will find the accident car, then only, I will complete the investigation of this case and file a charge sheet against the accused before the competent court in accordance with law. Hence, for the above said bonafide reasons, at this stage, there is no necessity to transfer this case to any other agency as prayed by the petitioner."

3.Heard Mr.R.Ramesh, learned counsel for the petitioner and Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondents.

4.On going through the Status Report, it is seen that the 2nd respondent has examined some of the witnesses and also recorded their statements and the 2nd respondent has positively stated that he will secure the accused person and also find the car that was involved in the accident. Even otherwise, the case cannot be closed as undetected and the law on this issue has been settled by this Court in K.Sukumari v. The Superintendent of Police, Virudhunagar District and Others reported in (2018) 2 LW CrI 636.

5.In view of the above, there shall be a direction to the 2nd respondent to effectively proceed further with the investigation by making use of the CCTV footages that were available near the scene of occurrence.

6.At this stage, this Court does not find any ground to transfer the investigation since the investigation is at a crucial stage. This Court has to necessarily give sometime to the 2nd respondent to complete the investigation. If after sometime, the petitioner finds that there has been no progress in the investigation, it is always left open to the petitioner to revive the claim by filing a fresh petition.

7.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP
To

1.The Superintendent of Police,
Vellore District,
Now Ranipet District.

2.Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District,
Now Ranipet District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Ramesh , Advocate Sr.No. 7400

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RSV(CO)
RMP(01/03/2021)

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