



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.4170 of 2018

and

Crl.M.P.Nos.1922 & 1923 of 2018

1. Subramanian
S/o. Chinnu @ Kannusamy
 2. Chandra,
W/o. Annadurai
 3. Elumalai
S/o. Munusamy
- ...Petitioners

Versus

1. The District Collector,
Villupuram District,
Villupuram.
 2. The District Superintendent of Police,
Villupuram District,
Villupuram.
 3. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
 4. The Deputy Superintendent of Police,
Crime Branch C.I.D,
Villupuram.
- ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Cr.No.1 of 2018 on the file of 3rd respondent to the 4th respondent for time bound investigation.

For Petitioners : Mr.K.Subburam

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)



O R D E R

The petitioners have filed this criminal original petition seeking to transfer the investigation in Cr.No.1 of 2018 on the file of 3rd respondent to the 4th respondent for time bound investigation.

2. The case of the petitioners, the petitioners filed the present Criminal Original Petition praying for transfer of investigation in Crime No.1 of 2018 on the file of the 2nd respondent Police into the occurrence in which the 1st petitioner's son S.Kirubanithi and 2nd Petitioner's son Veeramani were murdered and the 3rd Petitioner's son Gopinath (18) +2 student has been grievously injured and admitted in a private hospital and transfer the investigation to the 4th respondent. Further, the case of the first petitioner's son Kirubanithi was studying 2nd year Engineering in Arunai Engineering College, Thiruvannamalai, the 3rd Petitioner's son Gopinath was studying +2 in VDS Matriculation School, Thiruvannamalai and the 2nd Petitioner's son Veeramani had stopped from going to school to poverty. All the 3 boys were close friends. They were hailing from the Scheduled caste community. On 31.12.2017, after having dinner at their respective homes, they went to Murugan temple in our village at about 8.30 a.m to celebrate the new year along with others as they have been repeatedly called over their mobile phones by one Raja lives in Chennai and on the same day at about 9.30 p.m. they were lying in front of Murugan Temple with grievous injuries on their heads. Immediately, the 1st petitioner rushed to the spot and secured three boys and they were serious condition with cut injuries on their heads. Further, they were treatment in Government Hospital. However, the first and second petitioner's sons succumbed to injuries sustained. Even now after the lapse of more than 40 days there has been no improvement in the condition of the 3rd Petitioner's son Gopinath. Since he was refused treatment in JIPMER and Government Stanley General Hospital, Chennai. Thereafter, 3rd Petitioner's son Gopinath has been kept in a private hospital at Thirukoilur in "Coma" stage. Though the said occurrence immediately law enforcing agency registered a case under Section 174 Cr.P.C., After investigation on 09.01.2018 2nd respondent police has arrested one Manikandan stating that under the influence of alcohol he drove the tractor in a rash and negligent manner, thereby dashed on the 3 persons Kirubanith and Veeramani succumbed to the injuries sustained by them and one person "Coma" stage. The said Manikandan has been arrested and remanded to judicial custody on 09.01.2018 for the commission of offences under Section 304 (ii), 201 (B) I.P.C and under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1988.



3. The learned counsel for the petitioners submit that the petitioners suspected that the investigation conducted by the law enforcing agency did not examined the petitioners including the persons who are present in the scene of occurrence and it would be suffice, if this Court issues direction to the 3rd respondent to complete the investigation within the time frame after examining the petitioners and the victim viz., Gopinath within the reasonable time.

4. The learned Government Advocate (Crl.Side) has no serious objections in this case.

5. Considering the facts and circumstances of the case and grievance of the petitioners are genuine one, I am inclined to issue a direction to the second respondent to monitor the 3rd respondent to complete the investigation after examining the petitioners as well as the victim Gopinath, thereafter to filed a charge sheet within a period of eight weeks from the date of receipt of copy of this order.

6. With the above directions this Criminal Original Petition is disposed of. Consequently the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Superintendent of Police,
Villupuram District,Villupuram.
3. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
4. The Deputy Superintendent of Police,
Crime Branch C.I.D,Villupuram.
5. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.4170 of 2018

NMI (CO)

A.SK(19.08.2021)