



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18703 of 2021

Arularasan

... Petitioner

Versus

The State Rep by Inspector of Police
Pennadam Police Station,
Cuddalore District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation concerned in Crime No.226 of 2021 on the file of the Inspector of Police, Pennadam Police Station, Cuddalore District to CBCID, Cuddalore, Cuddalore District.

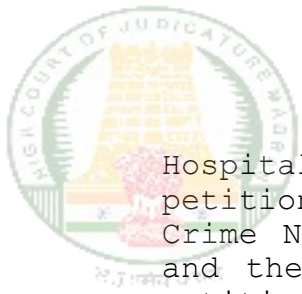
For Petitioner : Mr.V.Murugesan.

For Respondent : Mr.E.Raj Thilak,
Addl. Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to transfer the investigation concerned in Crime No.226 on 2021 on the file of the Inspector of Police, Pennadam Police Station, Cuddalore District to CBCID, Cuddalore, Cuddalore District.

2.The grievance of the petitioner is that his father had some debts and there was some dispute over the same. On 03/08/2021, at about 3.00 P.M. the petitioner's brothers, Kaviyarasan and Maniarasan was brought by one Jeyaraman to the Union School and forced him to drink alcohol and the said Jeyaraman refused the same, at that time one Devaraj S/o Kolanchi intercepted of debts and there was a quarrel with Kaviyarasan and Maniarasan. Thereafter, Kaviyarasan was repeatedly attacked. The petitioner along with his mother reached the spot and to rescue his brother which was resisted and he was also assaulted. The said Kaviyarasan and Maniarasan were rescued and admitted to the Government



Hospital, Virudhachalam, where it was declared that the petitioner's brother Kaviyarasan was brought dead. A case in Crime No.226 of 2021 under Section 174 Cr.P.C was registered and thereafter no proper action has been taken. Hence, the petitioner filed this petition to transfer the investigation to the file of CBCID. He further submitted that in the post-mortem report, disclosed the injuries sustained by his brother, despite naming the accused presence and mode of attack. The respondent Police had not altered the FIR stating that the pathological and forensic report has been obtained. He further submitted that as the accused persons are influential persons, the respondent Police have not taking proper action.

3.The learned Additional Public Prosecutor submitted that his status report denying the allegations made against the respondent Police. He further submitted that on registration of First Information Report, the respondent Police had visited the scene of occurrence, prepared Observation Mahazer, Rough Sketch and recorded the statements of defacto complainant/the brother of the deceased Thiru.Arularasan, wife of the deceased Tmt.K.Priya, mother of the deceased Tmt.Kolanchiyammal, neighbours of the deceased Thiru.Ganesan and Thiru.Kandhaswamy and eye witnesses present in scene of occurrence Thiru.Veeramani, Thiru.Sakthivel and Thiru.Ravi. On 04.08.2021, the victim's body was sent to autopsy and the Post Mortem report states that there has been abrasion from the right great toe and also presence of some reddish brown colour in the toes. This abrasion had taken place when the deceased was taken in the motor bike to the Government Hospital. Further on the internal examination no vital injuries found leading to contusion and after obtaining a final opinion, the investigation can be progressed.

4.Today, the learned Public Prosecutor had produced the final opinion. The Deputy Director and Assistant Chemical Examiner of Regional Forensic Science Laboratory Villupuram had found that the presence of Organophosphorous compound namely in the Stomach, Intestine, Liver and Kidney, Brain and blood. Now the section would be altered and appropriate section would be incorporated and the investigation would be conducted

5.Finding that it is almost 3 months to obtain the forensic report to confirm the presence of poisonous substance, the apprehension of the petitioner seems to be reasonable.

6.In view of the same, the investigation henceforth to be conducted by the Deputy Superintendent of Police, Virudhachalam, the Superintendent of Police, Cuddalore to monitor periodically the progress of investigation and the investigation to be completed without delay preferably within a period of 3 months.



7. With the above directions, this Criminal Original Petition is disposed of.

WEB COPY

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

vkr/mpl

To

1. The Inspector of Police
Pennadam Police Station,
Cuddalore District.

2. The Deputy Superintendent of Police,
Virudhachalam.

3. The Superintendent of Police,
Cuddalore.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Murugesan, Advocate SR. No.62041

CRL.O.P.No.18703 of 2021

PL (CO)

PR (09/12/2021)