



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17286 of 2021

M.Velladurai

... Petitioner

Vs.

1.The Director General of Police,
O/o. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

2.The Superintendent of Police,
Tirunelveli District.

3.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.313 of 2021)

4.M.Sudalaikannu

5.The Inspector of Police,
Crime Branch Criminal Investigation Department,
(CBCID),
Tirunelveli.

6.P.Mayandi

7.U.Marithevar

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.313 of 2021 from the file of the Inspector of Police, Thalaiyuthu Police Station, Tirunelveli District to the 5th respondent.

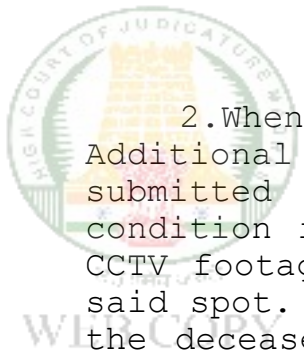
For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.T.Senthil Kumar,

Addl. Public Prosecutor for R1 to R3 & R5.

O R D E R

The petitioner is the brother of one Balasankar. Balasankar was found dead on 16.11.2021 at about 06.00 pm. Crime No.313 of 2021 was registered on the file of Thalaiyuthu Police Station under Section 174 of CrPC. Alleging foul play in his brother's death, this criminal original petition has been filed and the petitioner seeks transfer of investigation.



2. When the matter was taken up for hearing, the learned Additional Public Prosecutor for the respondents 1 to 3 and 5 submitted that the deceased was found walking in an unsteady condition in the middle of highways. This has been captured in the CCTV footage also. He was found dead some 50 meters away from the said spot. The tentative conclusion of the third respondent is that the deceased was in a drunken condition and he had been hit by a speeding vehicle. It is case of "hit and run" according to the prosecution. The respondent police have given a requisition to the forensic department for precisely spelling out as to whether in the body of the deceased, alcoholic content was found.

3. I am not satisfied that a case for transfer of investigation has been made out. However, in order to instil confidence in the mind of the petitioner, the jurisdictional Deputy Superintendent of Police shall monitor the investigation. The final report shall be filed within a period of three months from the date of receipt of a copy of this order.

4. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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 Director General of Police,
O/o. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
2. The Superintendent of Police,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Tirunelveli District.



4.The Inspector of Police,
Thalaisyuthu Police Station,
Tirunelveli District.

5.The Inspector of Police,
Crime Branch Criminal Investigation Department,
(CBCID),
Tirunelveli.

COPY TO:

- 1.The Judicial Magistrate No.II,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD) No.17286 of 2021
22.11.2021

SVN (CO)
GC (29.11.2021) 3P 8C