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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.14756 OF 2020

R.Vinoth Raj

...Petitioner

Versus

1.State Rep. by
The Commissioner of Police
Salem
Salem City

2.The Inspector of Police,
Annathanapatty Police Station,
Salem City

3.The Superintendent of Police
Central Bureau of Investigation
Chennai

...Respondents

Prayer : Criminal Original Petition filed under section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.1791/2020 pending on the file of the 2nd respondent police to the 3rd respondent or any other competent agency.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to transfer the investigation in Crime No.1791/2020 pending on the file of the 2nd respondent police to the 3rd respondent or any other competent agency.

2. The learned counsel for the petitioner would submit that the the petitioner's paternal uncle died in a suspicious manner and has such lodged the complaint. On the complaint lodged by the petitioner, the second respondent police registered FIR in Crime No.1791 of 2020 under Section 174 of Cr.P.C on 19.08.2020. However, still no investigation done without even altering the offence into Section 302.



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3. The learned Public Prosecutor filed a status report which would reveal that after registration of FIR in Crime No.1791 of 2020 under Section 174 of Cr.P.C, the second respondent has visited the scene on 19.08.2020 itself and has prepared observation mahazar in the presence of the witnesses. Further, the body of the deceased was buried in the burial ground located in Venkalapuram in Thirupathur District. In order to ascertain the nature of the death of the deceased, the second respondent gave a request to the Tahsildar, Tirupathur to exhume the dead body of the deceased and conduct inquest over the dead body. Thereafter, on the request made by the second respondent, the body was exhumed and inquest was conducted over the dead body on 25.08.2020. Thereafter, a post mortem was conducted and on perusal of the post mortem certificate, it would reveal that no external or internal injury was present in anywhere in the body of the deceased. That apart, the second respondent so far examined 52 witnesses and the final opinion of the post mortem report revealed that deceased would appear to have died of Acute Myocardial Infarction (Heart attack) with evidence of chronic damage to small blood vessels (Microvascularity) and would have died about 5 to 15 days prior to autopsy and within 2 hours of last meal. Therefore, there is no iota of evidence to alter the offence from 174 Cr.P.C., to any other offence.

4. In view of the above, the change of investigation cannot be ordered in this case, since, the second respondent have investigated the crime as far as possible and in the right way. Therefore, the petition stands devoid of merits. Accordingly, this petition is dismissed. No costs.

5. However, this Court directs the second respondent to file a final report in Crime No. 1791 of 2020 within a period of 4 weeks from the date of receipt of a copy of this Order.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

dhk

To

1.The Commissioner of Police
Salem
Salem City



2.The Inspector of Police,
Annathanapatty Police Station,
Salem City

3.The Superintendent of Police
Central Bureau of Investigation
Chennai

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.14756 of 2020

NRL (CO)
RVM(04/07/2022)