

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.24076 of 2021

Vasanthi

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District,
Crime No.16/2020

... Respondents

Prayer: This Criminal Original Petition had been filed under Section 482 of Criminal Procedure Code to direct the respondents to entrust the further investigation in connection with Crime No.16/2020 on the file of second Respondent Police to independent Agency like CBCID to conduct further investigation into the Petitioner son Chandrabose death.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition had been filed to direct the respondents to entrust the further investigation in connection with Crime No.16/2020 on the file of second Respondent Police to independent Agency like CBCID to conduct further investigation.

2. The learned Counsel for the Petitioner submitted that the brother of the deceased namely Subhash had preferred a complaint stating that his brother Chandrabose/deceased was accompanied by one Arulmurugan and Vijayakanth on Yamaha scooter bearing Registration No. TN-91-T-9451. While they were returning on the two wheeler, the two wheeler hit a cow the younger brother of Subhash, namely, Chandrabose fell from two wheeler and suffered head injuries. He was taken to private hospital where doctors

examined him and given first aid. Subsequently, he was taken to Kauvery Hospital, Trichy for better treatment and on 18.01.2020 he died. Therefore, the brother of the deceased by name Subhash had sought investigation against Arulmurugan and Vijayakanth. From the averments in the report, it presumes that it is an accident. Whereas, the mother of the deceased claims that it is a murder, a case was registered in Crime No.16/2020 under Sections 279, 304(A) of IPC.

3. The learned Government Advocate (Crl. Side) submitted that the investigation had been completed and final report had also been laid before the Court of the learned Judicial Magistrate, Tittagudi.

4. The learned Counsel for the Petitioner submitted that on earlier occasions, when the case came up for hearing, this Court had called for remarks from the learned Judicial Magistrate, Tittagudi. Based on the direction of this Court, the learned Judicial Magistrate, Tittagudi had offered remarks on 04.01.2022. Wherein, the learned Judicial Magistrate, Tittagudi had stated that investigation had been completed and final report has not been laid before the Court as on 04.01.2022. Therefore, the learned Counsel for Petitioner objects to the submissions of the learned Government Advocate (Crl. Side).

5. The submission of the learned Counsel for the Petitioner that the Petitioner's son was murdered and the body was thrown near the Lake cannot be accepted. Considering that the Petitioner's elder son is the complainant, as though, it was an accident as rightly pointed by the learned Government Advocate (Crl. Side) the Petitioner can approach the Court of learned Judicial Magistrate, by filing appropriate Petition regarding further investigation.

6. With the above direction, this Petition is disposed of. Since the investigation had been completed and final report had been laid before the Court concerned which had taken cognizance of the offence and numbered the case by the learned Judicial Magistrate, Tittagudi on 10.06.2022.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Tittagudi.
2. - do through The Chief Judicial Magistrate, Cuddalore..
3. The Superintendent of Police,
Cuddalore District,
Cuddalore.
4. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District,
5. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.24076 of 2021

SKM(CO)
CT/13/07/2022