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Crl.O.P.No.16207 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16207 of 2023

and

Crl.MP. No.10239 of 2023

Mrs.Manimegelai

... Petitioner

-VS-

1.The Superintendent of Police (Rural),
Nethimedu, Salem District.

2.The Inspector of Police,
Yercaud Police Station,
Yercaud Main Road, Salem District.

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.53/2023 pending on the file of the 2nd respondent Police to the CBCID to be investigated by an officer not below the rank of a Superintendent of Police who shall complete the investigation and file a report before this Court within a time frame fixed by this Court.

For Petitioner : Mr.L.Pravin Babu

For Respondents : S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

This petition is filed to transfer the investigation in Crime No. 53 of 2023 pending on the file of the second respondent police to the CBCID and to be investigated by an Officer not below the rank of the Superintendent of Police.

2. The petitioner is the wife of deceased Moorthi who was found dead in suspicious circumstances, on 18.04.2023 near reserve forest area. Case in Crime No.53 of 2023 under Section 174 Cr.P.C. Registered. After getting the Postmortem Certificate, the body was cremated. According to the learned counsel for the petitioner, the Postmortem report though revealed punctured wound measuring M-3X2XCavity Deep over outer aspect of right side of chest, no proper investigation has been done by the second respondent. Suspecting that her husband was died due to bullet injuries caused by some unknown person, the present petition is filed for transfer of investigation.

3. The second respondent has filed status report stating that he took the investigation on 19.04.2023, and visited the scene of crime, prepared observation mahazar, seized a sickle in the presence of the witnesses under mahazar and sent the body to the Government Hospital, Salem. After obtaining the Postmortem certificate, he noted an external injury a Punctured wound M-3X2X Cavity Deep over outer aspect of right side chest and while

On Detection Thorax Ribs -Fracture, right side from 7 to 9 corresponding to



laceration with surrounding soft tissue contusion. The Doctor has given a final opinion that the deceased would appear to have died 2 to 3 days prior to autopsy, due to effects of right side chest injury.

4. He has stated that in the course of the investigation after recording the statement of witnesses, he had arrived at a conclusion that no foul play was suspected in the death of the petitioner's husband Moorthi. It is also stated that on the basis of the complaint given by the Forest Ranger a case in Crime No.2 of 2021 under Section 2(1), 2(16), 9, 39, 50 , 51(1A) Wild Animal Protection Act, 1972 as Amendment by Act, 2022 against one Malaiyan who killed Bison and buried it in his patta land was registered. Bison was exhumed on 31.07.2023, since the petitioner had connected this incident with the death of her husband. The Investigation Officer has recorded the further statement of the Doctor who conducted the autopsy of the body of deceased Moorthi. The Doctor has opined that the death of Moorthi could not have caused from Gun Shot or Country made gun, since no pellet was detected into the dead body while on autopsy. He had opined that the injuries found over the dead body of the Moorthi would have caused by colliding over a short tip by falling from height but not on an assault with Country made gun.

5. The investigation Officer has reiterated that there is no material to suspect foul play in the death of Moorthi, the husband of the petitioner. It is



also been unravelled during the investigation that there is a pathway dispute between the family of Malaiyan who is the accused in Crime No.2 of 2023 and the family of the petitioner, therefore, allegation been made against the said Malaiyan. It is also submitted by the Investigation Officer that the investigation is going on and final report will be filed as per the evidence collected in the course of the investigation.

6. The detail status report filed by the second respondent who clearly indicates that in the course of postmortem, no pellet of bullets were found in the body of the deceased Moorthi. Therefore, the Doctor who have conducted the autopsy has opined that the said punctured injury near the chest could not have happened due to Gunshot. Whiles, all other allegations made by the petitioner herein accusing one Malaiyan, is a motivated complaint to settle their pathway dispute. Hence this petition seeking transfer of investigation is dismissed as unmeritorious. Consequently, connected Miscellaneous Petition is also dismissed.

21.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

- 1.The Superintendent of Police (Rural),
Nethimedu, Salem District.
- 2.The Inspector of Police,
Yercaud Police Station,
Yercaud Main Road, Salem District.
- 3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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