



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 26/06/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.5774 of 2023

K.K.Sarojini Elango : Petitioner

Vs.

1.The Commissioner of Police,
The Office of the Commissioner of Police,
Madurai.

2.The Inspector General of Police,
The Office of the Inspector of Police,
South Zone,
Madurai.

3.The Inspector of Police,
The Office of the Inspector of Police,
Tallakulam Police Station,
Madurai.

4.The Deputy Superintendent of Police,
CBCID, Madurai. : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to transfer the investigation in Crime No.1236 of 2021 pending with the Inspector of Police, Tallakulam Police Station, Madurai to CBCID, Madurai for proper and fair investigation and to find out the real accused persons, who have caused death to the petitioner's brother Gokulakrishnan and pass such other or further orders.



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For Petitioner : Mr.N.S.Karthikeyan
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This criminal original petition is filed seeking transfer of the investigation in Crime No.1236 of 2021 pending with the Inspector of Police, Tallakulam Police Station, Madurai to CBCID, Madurai for proper and fair investigation and to find out the real accused persons, who have caused death to the petitioner's brother Gokulakrishnan.

2.The case of the prosecution is that the deceased Gokulakrishnan is the brother of this petitioner. He was residing alone in Door No.27, Kamala 2nd Street, Chinna Chokkikulam, Madurai. He was a Lawyer by profession and unmarried. He was found dead in a suspicious circumstances in the above said house, on 28/10/2021. He was aged about 81. The petitioner went to the place of occurrence and at that time, she saw bleeding injuries on the face, ears, etc. So, it created doubt in her mind as to the cause of the death. She made a complaint to the 3rd respondent, upon which, a case was registered under



section 174 Cr.P.C. But in the postmortem report, it is stated that the cause of death was due to CRANIO CEREBRAL INJURIES. Since, no action was taken to identify the persons, who are involved in the above said murder, she made a representation, on 12/01/2023. But so far, no action has been taken. So seeking transfer of investigation to CBCID, this petition has been filed.

3.Heard both sides.

4.It is a death of 80 years unmarried Lawyer, who was living alone in the lonely house without any proper care and support.

5.Reading of the entire CD file shows that only this petitioner was taking care of the deceased and had occasionally visited him and supplying food. Except that, none was available at that time of death in the house. When the deceased was alone, the above said death said to have been taken place.



6. According to the petitioner, injuries, which were found on his body created doubt in her mind as to the cause of the death. She suspected that it is a case of murder.

7. So, on that account, the Investigating Officer was ordered to be present before this court. He has also present before this court and produced the CD file.

8. On going through the CD file, it was found that the house, where the deceased was living alone is a old house. Rafters were found breaking from the ceiling. So, according to the Investigating officer, one of the rafters fell on the deceased and caused injuries. He also submitted that when he made visit to the house for the second time, as per the direction by this court, he found the house was in a dilapidated condition and damaged condition. According him, there was no suspicious death. It is a clear case of accident due to fall of rafters. He would also submit that at the time of making visit, he found the pieces of wood, rafters near the body. So according to him, he made a thorough investigation and nothing was found to be suspected for the cause of death.



9. So from the narration of the Investigating Officer and also going through the CD file, I am of the considered view no foul play took place. It is a clear case of accident. A person living alone has suffered injuries because of the fall of the rafters.

10. So, I find no reason to entertain this petition to transfer the same to CBCID.

11. In the result, this criminal original petition is **dismissed**.

26/06/2023

Index: Yes/No
Internet: Yes/No

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To,

- 1.The Commissioner of Police,
The Office of the Commissioner of Police,
Madurai.
- 2.The Inspector General of Police,
The Office of the Inspector of Police,
South Zone,
Madurai.
- 3.The Inspector of Police,
The Office of the Inspector of Police,
Tallakulam Police Station,
Madurai.
- 4.The Deputy Superintendent of Police,
CBCID, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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