



CRL OP(MD)No.13066 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.01.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.13066 of 2021

Rethinakumar

Vs

... Petitioner

1.The Superintendant of Police,
Thanjavur District.

2.The Inspector Police,
Town East Police Station,
Thanjavur District.

3.The Deputy Superintendant of Police,
CBCID, Thanjavur Unit,
Thanjavur District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to transfer the investigation in Crime No.350 of 2019 pending on the file of the second respondent and entrust the same to the file of the third respondent.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed by the petitioner to transfer the investigation in Crime No.350 of 2019 from second respondent to the file of the third respondent.

2.One R.Sudhakar (deceased) aged about 17 years was studying Computer Technology in Periyar Polytechnic College, Thanjavur and he used to work in 'Abdul Wahab and Sons Hardwares' shop, during holidays. On 06.11.2019, at about 08.30 a.m., he left the house as usual and went to the shop. At about 10.30 a.m., one Ravi informed Rethinakumar, father of Sudhakar that Sudhakar is in an unconscious state in the shop. Rethinakumar immediately rushed to the shop and found his son dead. He was taken to the hospital in an ambulance, where the doctors declared him as 'brought dead'. On the basis of the complaint given by the said Rethinakumar, the Town East Police Station, Thanjavur registered FIR in Crime No.350 of 2019 under Section 174 Cr.P.C. After conducting postmortem, the Inspector of Police, Town East Police Station, Thanjavur altered the Section from 174 Cr.P.C. to 302 I.P.C., since the said Sudhakar was found to be strangled. The Inspector of



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Police, thereafter, took up investigation. Since there is no progress in the investigation, Rethinakumar, father of the Sudhakar, has filed the present criminal original petition seeking change of investigation from the Inspector of Police, Town East Police Station, Thanjavur District to the Deputy Superintendent of Police, CBCID, Thanjavur Unit.

3. Mr.G.Senthil Murugan, learned counsel appearing for the petitioner contended that though the petitioner's son was found dead inside the shop namely, 'Abdul Wahab and Sons Hardwares', where he used to work during holidays, the police could not find out the real culprits till date. He therefore prayed for change of investigation.

4. Mr.R.M.Anbunithi, learned Additional Public Prosecutor appearing for the respondents filed a Status Report, in which, it is stated that though the Inspector of Police, Town East Police Station, Thanjavur had examined more than 11 witnesses, they are clueless. It is also seen that since the CCTV footage was not recovered by the first Investigation Officer, they are finding it difficult to find the culprit as there is no backup in the CCTV footage.



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5. Thus, the Status Report clearly shows that the Inspector of Police, Thanjavur Town East Police Station is totally clueless. They have not also stated that they would nab the real culprit soon. In the said circumstances, it is necessary to transfer the investigation to the Deputy Superintendent of Police, CBCID, Thanjavur Unit in the present case. The Inspector of Police, Town East Police Station, Thanjavur, is directed to hand over the entire case records to the third respondent Deputy Superintendent of Police, CBCID, Thanjavur Unit immediately. The Deputy Superintendent of Police, CBCID, Thanjavur Unit, is directed to complete the investigation as expeditiously as possible.

6. With the above directions, this Criminal Original Petition is allowed.

08.01.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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- 2.The Inspector Police,
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- 3.The Deputy Superintendant of Police,
CBCID, Thanjavur Unit,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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