



Crl.O.P.(MD)No.16570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16570 of 2024

A.Sathya

: Petitioner

Vs.

**1.The Superintendent of Police,
Sivagangai District, Sivagangai.**

**2.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.**

**3.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.**

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to withdraw and transfer the investigation in Crime No.61 of 2024 on the file of the third respondent to any other impartial investigation agency.

For Petitioner : Mr.D.Saranya

**For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)**



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to withdraw and transfer the investigation in Crime No.61 of 2024 on the file of the third respondent to any other impartial investigation agency.

2. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.61 of 2024 on 13.08.2024 for the alleged offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3), 109 of BNS and Section 4 of TNPHW Act.

3.The learned counsel for the petitioner would submit that despite treatment, the victim succumbed to the injuries and that the police, without proper investigation, has altered to Section 105 of BNS favouring the accused.



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4. The learned Government Advocate (Criminal Side) would submit that after initial investigation, they have filed an alteration report, altering the offence under Sections 191(2), 191(3), 296(b), 351(3), 105 BNS and Section 4 of TNPWH Act and that subsequent to the death of the victim, they have again sent alteration report. He would further submit that they have examined ten witnesses and out of five accused, 1 to 3 were arrested and are in judicial custody.

5. The main contention of the petitioner is that though FIR came to be registered for the offence under Section 109 BNS, after the death of the victim, they have not altered the offence under Section 103 BNS, but altered the offence under Section 105 of IPC. The learned Government Advocate (Criminal Side) would submit that they have recorded the statements under Section 180 of BNSS., and after investigation, they have changed the offence under 105 BNS. He would further submit they have received the opinion with regard to the post-mortem and also produced the copy of the same and final opinion was given that the deceased would appear to have died of cranio cerebral injuries and its complications thereof.



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6.The learned counsel for the petitioner would submit that the petitioner has given a representation, dated 28.08.2024 and the same is pending.

7. Considering the facts and circumstances of the case, the petitioner is directed to give fresh representation to the respondents 2 and 3 and the third respondent is directed to proceed with the investigation, taking note of the final opinion now given by the forensic department and also the representation given by the petitioner and complete the investigation within a period of three months from the date of receipt of copy of this order and the second respondent is directed to monitor the investigation.

8.With the above directions, the Criminal Original Petition is disposed of.

30.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 3.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.16570 of 2024

Dated: 30.09.2024