



Crl.O.P.(MD)No.21080 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21080 of 2024

S.Sophia

.. Petitioner

Vs

**1.The Superintendent of Police,
O/o.Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.**

**2.The Inspector of Police,
CBCID Police Station,
Nagercoil,
Kanyakumari District.
Crime No.04 of 2022**

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to transfer the investigation of the case in Crime No.04 of 2022 on the file
of the second respondent to Central Bureau of Investigation (CBI).

For Petitioner : Mr.R.Vignesh

**For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor**



CrI.O.P.(MD)No.21080 of 2024

ORDER

WEB COPY

The petitioner, who is the mother of one Ashwin, 6th standard student, who passed away in a mysterious ailments on 17.10.2022, has filed this petition to transfer the investigation.

2.The case in Crime No.231 of 2022 has been registered on 02.10.2022 when it was informed that the son of the petitioner has consumed some adulterated food by the Kaliyakavilai Police Station. Thereafter, the investigation has now been transferred to CBCID, Nagercoil. On 21.10.2022, the petitioner sent a representation to the defacto complainant to take necessary action against the School administration for deleting the CCTV camera footage in the School and also prayed for compensation for loss of death of son.

3.On 26.07.2023, the petitioner applied for copy application and post-mortem report and chemical analysis report and final report. The copy application was returned. The petitioner thereafter sent a petition under RTI and RTI was returned stating that the case is under investigation and so far no witnesses have been enquired. As the case has come to a grinding halt, the petitioner has sent a representation on



16.10.2023 to transfer his son's case to CBI. Thereafter, the petitioner made another representation to the Chief Minister's cell on 17.04.2024 to transfer the case. Thereafter, the petitioner was served with summons on 11.05.2024 and called for enquiry. The petitioner made to run from pillar to post seeking justice. So far no effective steps have been taken and the case in Crime No.04 of 2022 is still without any substantial progress. Hence, he filed this petition with supporting document.

4.The learned Additional Public Prosecutor has filed a status report stating that in this case, investigation is in progress. It is reported that the petitioner's son Ashwin on 26.09.2022 suffered from fever, vomiting and mouth ulcers. Thereafter, the petitioner took his son to medical analysis on 26.09.2022 and 27.09.2022. As Ashwin could not recover and he developed chest pain, the petitioner had taken him to Neyyatinkara NIMS hospital, Tiruvananthapuram, Kerala. The doctors had examined Ashwin and stated that both his kidneys have failed and he has to undergo dialysis. Three consecutive dialysis sessions were performed. The doctors had asked Ashwin as if he had consumed any other food or drink, it was reported by Ashwin that a senior student had given him a liquid resembling coca-cola on 24.09.2022 at about 12.30 p.m., in the School and



Crl.O.P.(MD)No.21080 of 2024

after consuming the same, he started vomiting and developed fever and experienced abdominal pain. Thereafter, a case in crime No.231 of 2022 under Section 328 of IPC of Section 75 of the Juvenile Justice Act.

5.The investigating agency investigated in the scene of occurrence and seized 75 m.l., paracetamol injection and recorded the statement of Ashwin with the help of videograph. Thereafter, the Inspector of Police, Kaliyakavilai Police Station continued investigation between on 03.10.2022 and 15.10.2022 and thereafter, the Inspector of Police, Marthandam Police Station, in charge of Kalikavilai Police Station continued the investigation and seized a HIK vision DVR with Hard disc near SOC.

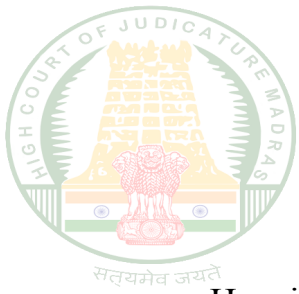
6.In the meanwhile, Ashwin died on 17.10.2022. The postmortem was conducted and body was handed over to the petitioner and her husband Sunil on 21.10.2024 for last rights. Thereafater, the case has been transferred to CBCID on 17.10.2022 and CBCID re-registered the case in Crime No.04 of 2022 for the offence under Sections 328 IPC and Section 75 of the Juvenile Justice Act and took up the investigation on 19.10.2024. After CBCID taking up the investigation, the correspondent



Crl.O.P.(MD)No.21080 of 2024

of the Maya Krishna Swami Vidhyalaya School, Athencode, Mr.Sasikumar, the Principla Mr.Prasath, the Ex-Principal Mr.Shreenivasan and the Vice Principal Sajithakumari and total number of 309 students studying the School, 27 Teachers, 3 School vehicle Drivers and 8 other employees working in the School have been examined. But, nobody had stated anything about any incident occurred in the campus. In addition to that, the CCTV footage was seized near SOC and had sent to Tamil Nadu Forensic and it is report is pending.

7.It is pertinent to note that on the date of incident on 24.09.2022, the quarterly examination was being held for Tamil Exam and the exam started at 09.30 a.m., and ended at 12.30 p.m., Ashwin wrote exam on the first floor of B block and thereafter, he went to his vehicle and the same was recorded in the CCTV camera installed near the bero making shop. On the same day, the petitioner has also attended the parent Teacher meeting in the evening hours and at that time, she did not mention anything about the incident. Further, on 14.05.2024, the IO sent a requisition letter to the Manager of Coca-cola company in Gangaikondan, Tirunelveli for the collection of contents in Coca-coal soft drinks.



WEB COPY

8.They had also examined the Geetha hospital and the NIMS Hospital and collected the medical records. Thereafter, they submitted a report before the learned Judicial Magistrate I, Kuzhithurai stating that the investigation is on various angles. The petitioner had sent a representation on 21.10.2022 to the District Collector to receive compensation from the Tamil Nadu Government. At that time, she was in need of post mortem certificate, which could not be made available to her.

9.It is reported that so far 127 statements have been recorded and 57 documents have been collected. Now the CCTV footage in HIK vision digital video recorder with hard disk related storage and accessories report is still awaiting from the Tamil Nadu Forensic Team. CBCID is conducting the investigation properly and taking all efforts to find out the reason for the death of the petitioner's son and trying to collect all the facts.

10.Considering submissions and perusal of the materials and the status report filed by the Inspector of Police, CBCID, this Court finds that the investigation is progressing in the right direction. The CBCID Inspector is directed to inform the petitioner periodically about the



Crl.O.P.(MD)No.21080 of 2024

progress of the case and the stage of investigation preferably once in two months. The petitioner is also directed to approach the CBCID Inspector and get clarification and ascertain about the status of the case.

11.In view of the fact that the case is proceeding in the right direction, this Court finds no reason to interfere with the same. Accordingly, this Criminal Original Petition is closed.

06.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ta

To

- 1.The Superintendent of Police,
O/o.Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
CBCID Police Station,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21080 of 2024

M.NIRMAL KUMAR,J.

ta

Crl.O.P.(MD)No.21080 of 2024

06.01.2025