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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

WP (MD) No.12827 of 2023

Kalaivani

: Petitioner/De-facto
Complainant

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kulithalai,
Karur.
- 3.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 4.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Tiruchirappalli.
- 5.The Head of the Department/Professor,
Department of the Forensic Medicine,
Mahatma Gandhi Memorial Government Hospital,
Tiruchirappalli.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to perform re-postmortem of the deceased Devika (aged 16 years) by constituting a team of Doctors forthwith and record the entire proceedings from inception and upto complete the



re-postmortem by video recording, based on the petitioner's representation, dated 30/05/2023 and pass such further or other orders.

For Petitioner : Mr.C.Iyyapparaj
for Mr.B.Vetrivel

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking for direction to the respondents to perform the re-postmortem of the deceased Devika (aged 16 years) by constituting a team of Doctors forthwith and record the entire proceedings from inception and upto complete the re-postmortem by video recording, based on the petitioner's representation, dated 30/05/2023.

2.On the earlier occasion i.e., on 07/06/2023, this court passed the following order:-

"7.Today, when the matter is taken up for hearing, the Dean, Mahatma Gandhi Memorial Government Hospital, Tiruchirappalli, is present before this Court and he has stated that he has not



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received any intimation or request for videography of the postmortem. He further stated that in all the cases, they will not undertake the videography and when proper request has been made either by the police or relatives, they will undertake the videography.

8.A perusal of records shows that objection has been made by the relatives of deceased to conduct postmortem, making some sort of allegations against the some persons. Later, postmortem was also conducted. There is some issue with regard to the request made by the police for videography, as I mentioned above, the police stated that they made a request and the authorities refused to receive the request, but the Dean says that no such request has been made.

9.The authorities ought to have videographed the postmortem, since it is a death of minor girl and precautionary measures ought to have been taken by the Investigating Officer and also by the Medical Officer while undertaking the postmortem, but that was not done. Let this defect or mistake be not committed in future.



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10.The learned counsel for the petitioner submitted that he got serious doubt or suspicion about the death of the deceased suspecting some sort of abuse physically and also mentally to the deceased. To ascertain any possibility of such abuse on the body or upon the mind, the learned counsel for the petitioner submitted that re-postmortem has to be ordered to be conducted so that suspicion may be removed or verified.

11.The learned Additional Public Prosecutor appearing for the respondent police submitted that during the course of investigation, FIR was altered into Section 306 IPC and three persons were arrested and remanded to Judicial Custody. He further submitted that he is ready to abide by any of the orders to be passed by this Court.

12.The Medial Officer, who conducted the postmortem is present before this Court and she has stated that during the postmortem, she did not find any injuries either in other part of the body or in the private parts. She has also produced the copy of the



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postmortem before this Court. This is also served to the learned counsel for the petitioner. In it no external injuries either in the private parts or other area of the body, are noted.

13. When suspicion is raised by the petitioner, it is proper to order for conducting the re-postmortem. Even though the body is kept for more than ten days, no prejudice will cause to the prosecution in ordering re-postmortem.

14. Re-postmortem is to be conducted by a team of Medical Officers comprising three preferably including Medical Officer who is having knowledge in the forensic science.

15. Let the team immediately be formed by the fourth respondent herein and the re-postmortem shall be conducted Tomorrow (i.e on 08.06.2023) at 12.30 a.m. The Norms to be followed for the Videography are as follows:

"1. Essential elements in the videography:



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6

(a) Videograph is a visual document, not a news report or a chat show, and therefore the coverage should be comprehensive and detailed.

(b) Memory chip (in case of digital recording) Video cassette is to be used as corroborative evidence. Therefore, visual gimmicks and bias should be avoided.

(c) Memory chip/ Video cassette is to be preserved as a source for future reference. Therefore, professionalism should be maintained while recording and an unedited version should be provided.

(d) During the videography of autopsy in custodial deaths, the date and time button should be pressed so that the date and time will automatically be superimposed.

(e) The context of the videography should be established by mixing appropriate combination of wideangle shot, panning and tilting.

(f) While highlighting details,



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7

continuity should be ensured by using zoom in and zoom out without cutting. It is suggested to limit the details viz., the contusions and incisions to eye-level shot and to use ped-up/down if necessary; however, high/low angles should not be used.

(g) Complicated lighting should be avoided. It is advisable to light the subject fully if the ambient light is not sufficient. When lighting is poor, use of manual mode to focus is suggested.

(h) It is necessary to use the normal lens in general and to avoid use of filters. However, before any recording the auto white balance button should be used.

(i) It is suggested to use the tripod during videography of autopsy.

(j) Each injury, whole and cut internal organs should be videographed for a minimum of ten seconds"



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16.After re-postmortem, the body shall be handed over to the parents of the deceased for doing funeral rites.

17.The learned counsel for the petitioner submitted that after conducting re-postmortem, they will receive the body to perform the funeral rites.

18.Post the matter on 09.06.2023 for reporting compliance."

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the order passed by this court, dated 07/06/2023 has been complied with and after completing the re-postmortem, the body was also handed over to the petitioner and other relatives. They have also received the body, so, nothing survives in this matter.

4.Today the Investigating Officer is present before this court and stated that the copies of the re-postmortem video/CD and re-postmortem certificate of Devika are not supplied to them.



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5.The Dean, Mahatma Gandhi Memorial Government Hospital, Tiruchirappalli is directed to supply one copy of the re-postmortem video/CD and re-postmortem certificate of Devika to the Investigating officer.

6.Recording the above, this writ petition stands disposed of. No costs.

09/06/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kulithalai,
Karur.
- 3.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 4.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Tiruchirappalli.
- 5.The Head of the Department/Professor,
Department of the Forensic Medicine,
Mahatma Gandhi Memorial Government Hospital,
Tiruchirappalli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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11

G. ILANGO VAN, J

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09.06.2023



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