

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE B.RAJENDRAN

H.C.P.No.1541 of 2015
and M.P.No.1 of 2015

Parthiban

..... Petitioner

-vs-

1. The State Rep. by
Commissioner of Police
Salem District.
 2. The Superintendent of Police
Namakkal District, Namakkal.
 3. The Inspector of Police
Thiruchengode Town Police Station,
Namakkal District.
 4. The Dean
Mohankumaramangalam Government Hospital,
Salem, Salem District.
- Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Habeas Corpus, directing the respondents to enquire that the cause of death of the deceased Gokulraj, son of Venkatachalam, aged about 22 years by conducting postmortem by a team of Doctors and one of the Doctors be petitioner's choice and the postmortem be Videographed, as per the guidelines of National Human Rights Commission, New Delhi, to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.N.Thambidurai
Addl. Public Prosecutor for R1 to R3

ORDER

(Order of the Court was made by S.TAMILVANAN, J)

Heard Mr.R.Sankarasubbu, learned counsel for the petitioner as well as the learned Additional Public Prosecutor for Respondents 1 to 3.

2. It is brought to the notice of this Court that pursuant to the order of this Court, dated 26.06.2015, a team of Doctors, including Dr.P.Sampath Kumar, Head of Department of Forensic Department, Vice-Principal of Sri Ramachandra Medical College, Porur, Chennai, conducted postmortem and the same was also videographed. The postmortem certificate and videograph (CD) have been received by the Registrar-General, High Court of Madras, Chennai, in a sealed cover, as directed by this Court.

3. Learned Additional Public Prosecutor submitted that to proceed with the investigation, the same has to be sent to the Investigating Agency without causing delay. However, to safeguard the interest of the parties and to avoid tampering of any records, we direct to keep a copy of the CD and postmortem Report with the Registrar-General and send the original to the Investigating Agency, without causing any delay.

4. The main relief sought for in the HCP is for conducting the postmortem properly, to decide the Sessions case impartially. It is made clear that the petitioner or any member(s) of the family of the deceased would be at liberty to approach this Court, seeking appropriate remedy, in case of necessity, according to law. The concerned Investigation Officer / Deputy Superintendent of Police, is directed to proceed with the investigation properly, according to law without any deviation, to meet the ends of justice.

With the above observation, the Habeas Corpus Petition is closed with liberty as stated above. Consequently, connected miscellaneous petition is closed.

tsvn

s/d-

Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
Salem District. Salem.
2. The Superintendent of Police
Namakkal District, Namakkal.
3. The Inspector of Police
Thiruchengode Town Police Station,
Namakkal District.

4. The Dean
Mohankumaramangalam Government Hospital,
Salem, Salem District.
5. The Registrar General,
High Court, Madras.
6. Dr.P.Sampath Kumar
Vice Principal,
Head of Department of Forensic Department,
Sri Ramachandra Medical College,
Porur, Chennai.
7. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R.Sankarasubbu, Advocate SR 32150

skv(co)
prk30/6



H.C.P.No.1541 of 2015

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