

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.20250 of 2012

P.Pugalenth

Director, Prisoners Right Forum.

.. Petitioner

-VS-

1.State of Tamilnadu,

Rep. by the Secretary to Government,
Home Department, Secretariat,
Chennai-9.

2.The Director General of Police,
Chennai-4.

3.The Joint Director,
Central Bureau of Investigation,
South Zone, Chennai – 6.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent State of Tamilnadu to register a case under Section 302 IPC against all the police personnel involved in the custodial torture and death of Mr.Raja son of Ayyadurai, a resident of Sellayipuram Village Pachaimalaiyankottai Post, Nilakottai Taluk, Dindigul District at Dindugal North Police Station on 7June 2012 and to hand over the

investigation of the said case to respondent No.3 Central Bureau of Investigation.

For Petitioner : Mr.M.Radhakrishnan
For Respondents : Mr.M.K.Subramanian
Govt. Pleader for RR 1 and 2

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has filed a public interest litigation alleging custodial death of Mr.Raja, who was admittedly taken into police custody on 07.06.2012 and seeking that the investigation should be carried on by the CBI. For purpose of record, it may be noted that none of the relatives of the deceased are parties in the present petition.

2.The final status report submitted by the Investigation Officer shows that the same is filed by the Superintendent of Police, CBCID, Madurai. A finding is reached that the case is not one of custodial death but of injuries sustained by the accused in his endeavour to escape when he fell down.

3.Learned counsel for the petitioner submitted that the enquiry report of the Judicial Magistrate is to be treated as an input by the Investigation Officer and it should be verified that the same is so. The report submitted before us once again shows that the enquiry report of the learned Judicial Magistrate, Vedachandur, was taken into consideration before the conclusion of the investigation and is one of the documents filed with the final report, which was filed on 22.08.2016 before the Judicial Magistrate No.1, the designated Court for Crime Branch CID, Dindigul, with intimation to the deceased family members with acknowledgement copy. It may be noted that however certain departmental proceedings have been directed to be taken in respect of the police personnel of the Special Crime team for casual and lethargic attitude towards the custody accused which tempted the deceased to attempt for escape.

4.In view of all the aforesaid facts and circumstances, we are not inclined to accept the plea of the learned counsel for the petitioner for investigation by the CBI and it is for the learned Judicial Magistrate now to consider the final report filed by the police authorities.

5.Writ petition is, accordingly, closed. No costs.

6.A copy of the status report be given to learned counsel for the petitioner, as the learned counsel states that they may be desirous of filing a protest petition.

(S.K.K., CJ.) (R.M.D., J.)
24.08.2016

Index : Yes/No
Website : Yes/No

sra

To

- 1.The Secretary to Government of Tamilnadu,
Home Department, Secretariat,
Chennai-9.
- 2.The Director General of Police,
Chennai-4.
- 3.The Joint Director,
Central Bureau of Investigation,
South Zone, Chennai – 6.

The Hon'ble Chief Justice
and
R.Mahadevan, J.

(sra)

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