

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.16010 of 2013

P.Pugalenthii,
Director,
Prisoners Rights Forum,
No.5, 4th Floor,
Sunkurama Street,
Chennai-600 001.

... Petitioner

-Vs-

1. State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
2. The Director General of Police,
Mylapore, Chennai-600 004.
3. The Superintendent of Police,
Tiruppur District.
4. M.R.Sibi Chackravarthy, IPS,
Superintendent of Police,
Nagapattinam District.
5. Kumar,
Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
6. The Joint Director,
South Zone,
Central Bureau of Investigation,
Chennai-600 006.
7. Inspector of Police,
Crime Branch CID,
Tiruppur.
(Respondent No.7 impleaded as per
order in M.P.No.1 of 2014, dt. 28.6.2016)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent - State of Tamil Nadu to register a case under Section 302 IPC against respondent 4 and 5 and all those police personnel involved in the custodial death of R.Mohanraj, son of S.Ramasamy, a resident of Kannagi Nagar, Nesavalur Kuppam, Tiruppur, Tiruppur Taluk and District on 3rd September, 2012 and further directing the respondent - State of Tamil Nadu to hand over the investigation of the said case to respondent 6 - Central Bureau of Investigation.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Government Advocate
for R1 to R3 & R7

Mr.N.Chandrasekaran for R6

ORDER

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

The allegation is of custodial death. The CB CID is in seisin of the matter and it is stated, on instruction that the final report will be filed within one month from today. In the event of the filing of the final report, the same be sent to the petitioner within the same period of time. It is also stated that a judicial enquiry was also conducted by a Magistrate, who has submitted his report on 31.01.2013 and the State Human Rights Commission has disposed of Case No.7312 of 2012, vide order dated 02.09.2015, holding that the incident was due to accidental fall and there is no record of illegal custody. In so far as the investigation now by the CB CID is concerned, 83 witnesses are stated to have already been examined. The learned Government Pleader agrees with the submission of the learned counsel for the petitioner that the report of the Judicial Magistrate be sent to the Investigation Officer.

2. The aforesaid statement is taken on record and the writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Principal Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
2. The Director General of Police,
Mylapore, Chennai-600 004.
3. The Superintendent of Police,
Tiruppur District.
4. The Joint Director,
South Zone,
Central Bureau of Investigation,
Chennai-600 006.
5. The Inspector of Police,
Crime Branch CID, Tiruppur.

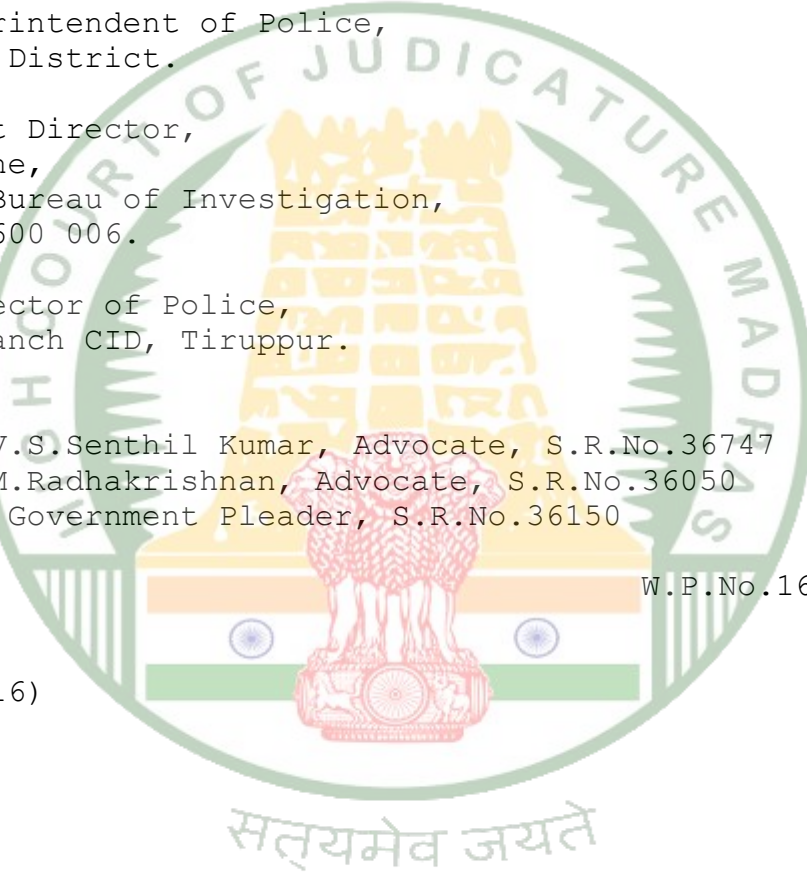
+1cc to Mr.V.S.Senthil Kumar, Advocate, S.R.No.36747

+1cc to Mr.M.Radhakrishnan, Advocate, S.R.No.36050

+1cc to the Government Pleader, S.R.No.36150

W.P.No.16010 of 2013

RSY(CO)
CA(18/07/2016)



WEB COPY