

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2017
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN
Crl.O.P.No.9930 of 2016

P.Pugalenth

... Petitioner

Vs

- 1.State represented by
The Director General of Police,
Mylapore, Chennai-4.
 - 2.The Commissioner of Police,
Salem City, Salem.
 - 3.The Superintendent of Prison,
Central Prison, Salem.
 - 4.M.Ramakrishnan,
Assistant Commissioner of Police,
CCB, Salem City, Salem.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent No.4 to complete the investigation in Crime No.259 of 2007 on the file of Asthampatti Police Station, Salem City and file the final report within a reasonable time as may be determined by this Court.

For Petitioner : Mr.M.Radhakrishnan

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the fourth respondent to complete the investigation in Crime No.259 of 2007 on the file of Asthampatti Police Station, Salem City and file the final report within a reasonable time as may be determined by this Court.

2. It is the case of the petitioner that he is an Advocate and the Director of the Prisoner's Rights Forum, Chennai. On 9.6.2007, one Sukumar, Remand Prisoner No.73688, an inmate of Salem Central Prison, had died while he was taken to hospital for treatment. Hence, one Karuppannan, the then Deputy Jailor, Central Prison, Salem, was directed to conduct an enquiry on the death of the said Sukumar, pursuant which, the said Karuppannan has conducted an enquiry and filed a report stating that Sukumar had died only because of the prisoners, confined in the 9th Block of Central Prison, Salem, who had effectively prevented the prison warders from taking him to the hospital for immediate treatment. However, the respondent police on the basis of the said report, did not take any steps to register a complaint on the said prisoners. Hence, the petitioner made a complaint dated 25.5.2013 to the respondents 1 to 3 to register a case in connection with the death of the said Sukumar. Since no action was taken on his complaint, the petitioner approached this Court by filing a petition in Crl.O.P.No.24041 of 2013 seeking to register a complaint and this Court, vide order dated 22.12.2014, entrusted the investigation to the fourth respondent. Though more than 16 months have lapsed, the investigation by the fourth respondent is yet to be completed. Hence, the petition.

3. Learned counsel appearing for the petitioner submitted that this Court, by order dated 22.12.2014 in Crl.O.P.No.24041 of 2013, directed the fourth respondent to conduct a thorough investigation in this matter and submit a final report to the jurisdictional Judicial Magistrate. Further, this Court has also directed the fourth respondent to collect the report from V.Karuppannan, the then Deputy Jailor, Central Prison, Salem, in respect of the circumstances leading to the death of the said Sukumar as part of investigation. A further direction was also issued to the jurisdictional Judicial Magistrate to hold an enquiry under sub Section (1A) of Section 176 Cr.P.C. as directed in Crl.O.P.No.20008 of 2013. Since the said directions have not been complied with by the fourth respondent, the petitioner has come up with the present writ petition.

4. Learned Additional Public Prosecutor submitted that as directed by this Court in the order referred to above, final report came to be filed in Crime No.29 of 2007 and the enquiry sub Section (1A) of Section 176 Cr.P.C. was also completed.

5. The said statement made by the learned Additional Public Prosecutor is recorded. All the copies of the reports, to which the petitioner is entitled to, can be obtained by the petitioner from the jurisdictional Judicial Magistrate upon

production of the copy of this order. The criminal original petition is ordered accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Director General of Police,
Mylapore, Chennai-4.

2.The Commissioner of Police,
Salem City, Salem.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor
High Court, Madras

Crl.O.P.No.9930 of 2016

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