

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 09.05.2018

CORAM

THE HONOURABLE MR.JUSTICE V. PARTHIBAN

AND

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

H.C.P.No.896 of 2018

Vennila

.. Petitioner

versus

1. State of Tamil Nadu,
represented by its Seceretary,
Department of Home,
Fort St.George,
Chennai-600 009.

2. The District Collector,
Kancheepuram,
Kancheepuram District.

3. The Superintendent of Police,
Kanncheepuram,
Kanncheepuram District.

4. The Deputy Superintendent of Police,
Madhurantagam,
Kancheepuram District.

5. The Inspector of Police,
Chunambedu Police Station,
Kancheepura District.

..Respondents

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus, to direct the 2nd and 3rd respondents to permit the petitioner to have an independent qualified medical representative of petitioner's choice during the autopsy of petitioner's husband Sitrarasu Son of Chinnapaiyan, aged about 45 years.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.C.Emalias, **Public Prosecutor**

ORDER

(Order of the Court was made by V.PARTHIBAN, J.)

The petitioner has approached this Court, seeking the following relief:

"To issue Writ of Habeas Corpus, to direct the 2nd and 3rd respondents to permit the petitioner to have an independent qualified medical representative of petitioner's choice during the autopsy of petitioner's husband Sitrarasu Son of Chinnapaiyan, aged about 45 years.

2. Although we have serious reservation about the maintainability of the present Habeas Corpus Petition in relation to the relief sought for, however, considering the submissions made by the learned counsel for the petitioner, we directed the respondent State to suggest the names of the eminent Doctors who are in Government service for the purpose of conducting autopsy. In response to the direction, learned *Public Prosecutor suggested the following Doctors, who can be requested to perform autopsy on the deceased person/husband of the petitioner, viz.,

- i) Dr.Parasakthi, Director, Institute of Forensic Medicine, Madras Medical College, Chennai.
- ii) Dr.Selvakumar, Professor, Forensic Medicine, Kilpauk Medical College, Chennai.

3. The premise on which the present Habeas Corpus Petition came to be filed, was that the Postmortem to be conducted on Sitrarasu, deceased/husband of the petitioner will not be impartial since the death of the said Sitrarasu had taken place during his custody with the respondent police. In this regard, a serious apprehension has been expressed on behalf of the petitioner and therefore, the present Habeas Corpus Petition has been filed, seeking A direction to 2nd and 3rd respondents to permit the petitioner to have an independent qualified Medical Professional of the petitioner's choice to conduct autopsy on the deceased Sitrarasu.

4. We are informed that the death had taken place on 1.5.2018 and the body has now been kept in Mortuary at Chengalpattu Medical College and Hospital, Chengalpattu. In order to allay the apprehension expressed by the petitioner that proper autopsy will not be carried out by the local doctors, we are constrained to direct the respondents to request the above said two Doctors to conduct autopsy on the deceased Sitrarasu, husband of the petitioner at any convenient time of the Doctors on **11.05.2018**.

5. Accordingly, the Doctors, viz., Dr.Parasakthi, Director, Institute of Forensic Medicine, Madras Medical College, Chennai and Dr.Selvakumar, Professor, Forensic Medicine, Kilpauk Medical College, Chennai are directed to conduct autopsy on the deceased Sitrarasu at their convenient time on **11.05.2018**.

6. The respondents are also directed to videograph the entire session of autopsy. We are of the view that these measures would ensure that the petitioner and the family members of the deceased, need not entertain any apprehension regarding the proper conduct of the autopsy on the deceased person. Needless to mention that the Doctors who are asked to perform autopsy are holding pre-eminent position in the field of forensic medicine and the petitioner and her family members cannot ask for anything more in regard to their perceived apprehension.

7. The above order is being passed as an extraordinary measure without going into the maintainability of the Habeas Corpus Petition and without also going into the merits of the claim of the petitioner as well as the resistance put up by the respondents. In view of the eminent Doctors being deputed to conduct the autopsy, we are of the view that various submissions made on behalf of the petitioner, need not be traversed.

With the above direction, the Habeas Corpus Petition is disposed of.

Sd/-
Vacation Officer
Dated: 09.05.2018

* Amended as per order
dated 10.05.2018
made in H.C.P.No.896 of 2018.

Sd/- Assistant Registrar/Vacation officer
Dated: 10.05.2018

//True Copy//

Sub Assistant Registrar

suk
To

1. The Seceretary,
Department of Home,
Fort St.George,
Chennai-600 009.

To be substituted order already
despatched on 10.05.2018.

2. The District Collector,
Kancheepuram,
Kancheepuram District.

3. The Superintendent of Police,
Kanncheepuram,
Kanncheepuram District.

4. The Deputy Superintendent of Police,
Madhurantagam,
Kancheepuram District.

5. The Inspector of Police,
Chunambedu Police Station,
Kancheepura District.

6. Dr. Parasakthi Director
Institute of Forensic Medicine
Madras Medical College Chennai

7. Dr. Selvakumar professor
Forensic Medicine
Kilpauk medical college
Chennai

8. The Public prosecutor
High Court Madras vide CA.SR.No.33369

9. The Dean
Government Kilpauk Medical College
Kilpauk, Chennai.

10. The Dean
Government Madras Medical College
Chennai.

+1 cc to Mr. R. Sankarasubbu Advocate sr 33535.

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H.C.P.NO.896 OF 2018

GMR (CO)
AA09/05/2018
SP(10/05/2018)