

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM:

The Honourable Mr. Justice M.M.SUNDRESH

and

The Honourable Mr. Justice RMT.TEEKAA RAMAN

Habeas Corpus Petition No.2036 of 2019

Deepa

...Petitioner/Wife of the Detenue

-Vs-

1. The Union of India,
rep. by its Secretary,
Department of External Affairs,
North Block,
New Delhi - 1.
2. The Union of India,
rep. by its Secretary,
Department of Overseas,
North Block,
New Delhi - 1.
3. The Secretary,
Department of Home,
Fort St. George,
Chennai 600 009.
4. The District Collector,
Erode District, Erode.
5. The Superintendent of Police,
Erode District, Erode.
6. The Inspector of Police,
Erode North Police Station,
Erode District.
7. Jagan @ Jaganathan ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the Respondents to produce the body of the detenu, Senthil @ Gurusamy, S/o.Narayanasamy, aged about 39 years, now in the hands of the seventh Respondent herein and hand over the same to the Petitioner to do last rites in accordance with Hindu rites and customs.

For Petitioner : Mr.R.Sankarasubbu
For Respondents 1 & 2 : Mr.G.Karthikeyan,
Asst. Solicitor General of
India
For Respondents 3 to 6 : Mr.R.Prathap Kumar,
Additional Public
Prosecutor

O R D E R

[Order of the court was made by M.M.SUNDRESH,J.]

Petitioner, who is the wife of the detenu, viz. Senthil @ Gurusamy, has come up with the above Writ Petition, seeking a direction to the Respondents to produce the body of the detenu, now in the hands of the seventh Respondent herein, and hand over the same to her, to perform last rites, as per Hindu customs.

2. We are dealing with a case, where the detenu reportedly died on 05.09.2019 at Mozambi, South Africa.

3. It appears that post-mortem was done on the body of the detenu, at South Africa, on the premise that it was an accident. Now, the body has been brought to India, as per the instructions obtained from the Office of the Assistant Solicitor General of India, and it has, presently reached Government Hospital, Erode.

4. Learned counsel for the Petitioner submitted that the Petitioner, who is the wife of the detenu, insists on fresh post-mortem to be conducted on the body of the detenu, in order to know the reason behind his death.

5. Admittedly, the Petitioner does not have any particulars including the Report of the post-mortem said to have done in a foreign country.

6. In such view of the matter, as there is no impediment in conducting fresh post-mortem, we direct the 4th Respondent/District Collector, Erode District, Erode and the 5th Respondent/Superintendent of Police, Erode District, Erode, to take appropriate steps and see to it that, fresh post-mortem is done by the Residential Medical Officer, Government Hospital, Erode, on the body of the detenu, at the earliest.

7. It is made clear that the body of the detenu shall be kept in the Cold Storage, till the post-mortem is completed, and thereafter, it shall be handed over to the Petitioner herein.

8. The Habeas Corpus Petition is disposed of with the above direction and observation.
(aeb)

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Union of India,
Department of External Affairs,
North Block, New Delhi - 1.

2.The Secretary,
Union of India,
Department of Overseas,
North Block, New Delhi - 1.

3.The Secretary,
Department of Home,
Fort St. George,
Chennai 600 009.

4.The District Collector,
Erode District, Erode.

5.The Superintendent of Police,
Erode District, Erode.

6.The Inspector of Police,
Erode North Police Station,
Erode District.

+1cc to Mr.R.Sankarasubbu, Advocate, SR.No.81369

H.C.P.No.2036 of 2019

Kak (22/09/2019)