



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WEB COPY

W.P. (MD) No.7579 of 2019

and

W.M.P. (MD) No.6039 and 6040 of 2019

M.Kavitha

... Petitioner

/Vs./

1.The District Collector,
Collectorate Office,
Tirunelveli.

2.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

3.The Dean,
Government Hospital,
Tirunelveli District.

4.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to transfer the investigation in Crime No.137 of 2019 on the file of the fourth respondent to some other competent investigation agency for the purpose of conducting fair investigation.

For Petitioner : Mr.S.Kumar

For Respondents : Mrs.S.Bharathi

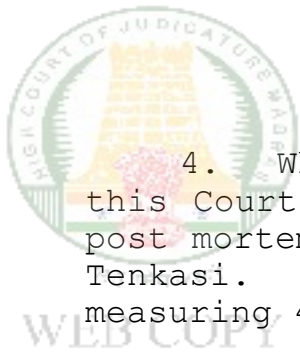
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the second respondent to transfer the investigation in Crime No.137 of 2019 on the file of the fourth respondent to some other competent investigation agency for the purpose of conducting fair investigation.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3. The petitioner's husband is dead and the controversy is as to whether he died of natural causes or of custodial death, which is camouflaged as a natural death.



4. When the matter came up before this Court on 29.03.2019, this Court directed the body of the deceased to be preserved. The post mortem has been done by the Government Head Quarters Hospital, Tenkasi. The post mortem report shows that there is an abrasion measuring 4 x 3 c.m., on the left side of the abdomen.

5. The learned counsel appearing for the petitioner submits that to his knowledge there are independent witnesses who have seen the dead man treated badly by the police.

6. In these circumstances, this Court now directs the Deputy Superintendent of Police, Alangulam, to oversee the investigation and a second post mortem is now directed to be done. Before commencing the post mortem, photographs shall be taken only to see if there are any external injuries. At that time when the photographs are taken, the petitioner or one of his representatives is entitled to be present, not during post mortem.

7. This Court orders that the post mortem shall be done by a team constituted by the Dean of Tirunelveli Medical College Hospital. The petitioner is now directed to share whatever information she has, with the Deputy Superintendent of Police, Alangulam.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition are closed.

SD

ASSISTANT REGISTRAR (T AND P)

TRUE COPY

SUB ASSISTANT REGISTRAR(CS II)

Sm

To

- 1.The District Collector, Collectorate Office, Tirunelveli.
- 2.The Superintendent of Police, Tirunelveli, Tirunelveli District.
- 3.The Dean, Government Hospital, Tirunelveli District.
- 4.The Inspector of Police, Surandai Police Station, Tirunelveli District.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. S.KUMAR, ADVOCATE SR 58887

KK - 4/4/2019 - 2P 7C

Order made in **W.P. (MD) No.7579 of 2019**

04.04.2019