



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

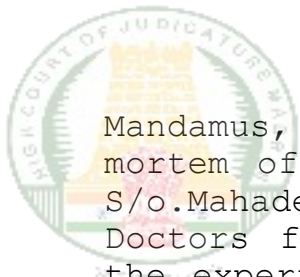
W.P. (MD) No.17919 of 2019
and
W.M.P. (MD) No.14371 of 2019

T.Arivuselvi : Petitioner

Versus

- 1.The Home Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai-9.
- 2.The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
St. George Fort,
Chennai-9.
- 3.The Director General of Police,
DGP Office,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-5.
- 4.The Dean,
Sivagangai Medical College,
Sivagangai.
- 5.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 6.The Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District.
- 7.The Deputy Superintendent of Police,
C.B.C.I.D.,
Sivagangai District.

: Respondents



Mandamus, to direct the fourth respondent to conduct the re-post-mortem of the petitioner's father's body namely Thirunavukkarasu, S/o.Mahadevan, aged about 55 years through a Special Team of the Doctors from other Districts under full video coverage including the expert in Forensic science and also in presence of the doctor suggested by the petitioner and to transfer the investigation in connection with the Crime No.150 of 2019 on the file of the sixth respondent police to some other investigation or other agencies particularly CBCID/7th respondent.

For Petitioner : Mr.M.Siddharthan
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking a direction to the fourth respondent to conduct re-post-mortem autopsy of the petitioner's father's body, by name Thirunavukkarasu, and also transfer the investigation in Crime No.150 of 2019.

2. The grievance of the petitioner is that, she is an Advocate practising at Sivagangai District and also a Social Activist. Her father, by name Thirunavukkarasu, was also a Social Activist in their locality, involved in many social problems voluntarily and contributed his services towards that. Earlier, the petitioner's father has given a complaint regarding sand theft by sand-mafia groups. Thereafter, various authorities including the sixth respondent/Inspector of Police, Kallal Police Station, threatened the petitioner's father to withdraw the complaint. On 12.08.2019, some of the police officials from the local police station came to the petitioner's house and threatened her father to withdraw the complaint and also threatened him that he must face the consequences, if he did not withdraw the complaint. But, he stoutly refused to withdraw the complaint and said that he is ready to face the problem in the manner known to law.

3. On 13.08.2019, as usual, the petitioner's father went for cattle rearing, but, he did not return home, and the cattle were only returned. Hence, the petitioner's mother visited the spot and found that her father was found dead totally undressed and found that the body was with full of contusion and injuries were found all over his neck and through his penis, blood and semen was ousting out. Apart from that, the human waste came out from his anus, on his both eyes, bloodstains were found. Then, they made a complaint before the sixth respondent police, and a case has been registered in Crime No.150 of 2019 for the offence under Section 174 of the Code of Criminal Procedure. Thereafter, the investigation commenced and the body was brought to Sivagangai Medical College Hospital. Since the petitioner suspecting that it is a brutal murder, they approached the fourth respondent/Dean, Sivagangai Medical College, to conduct the post-mortem with special doctors with full video coverage, but, they asked them to get



necessary permission from the appropriate forum. Before the petitioner receives the permission, she was informed that post-mortem was conducted and they asked her to take the body. According to the petitioner, post-mortem was not conducted in a proper manner, and without following the guidelines issued by the Hon'ble Supreme Court and other Courts and they have conducted a post-mortem hurriedly without obtaining permission from the family members. In the above circumstances, alleging that the post-mortem was not conducted in a proper manner, the present Writ Petition has been filed seeking re-post-mortem autopsy.

4. The sixth respondent/Inspector of Police, Kallal Police Station, filed a status report today stating that on 12.08.2019, at about 07.00 p.m., one Periyarvendhan, who is the petitioner's brother, lodged a complaint before the sixth respondent police that, his father went to herd the goats, but, he did not return home. Thereafter, the petitioner's mother searched for his father and found the body of the petitioner's father near the Kallal old bridge. Immediately, a case has been registered in Crime No.150 of 2019 under Section 174 of the Code of Criminal Procedure. After registering the complaint, the sixth respondent commenced the investigation and visited the place of occurrence along with the police team at about 07.45 p.m., and inspected the place of occurrence, prepared observation Mahazar, rough sketch and also collected the materials from the place of occurrence. An inquest was conducted between 08.45 p.m. and 10.00 p.m., in the presence of witnesses. Subsequent to the inquest, the body of the deceased was sent to the Government Medical College Hospital, Sivagangai, and two constables were deputed to the place of occurrence. The sixth respondent examined six witnesses, including the brother and mother of the petitioner. The initial investigation revealed that at the time of occurrence, the deceased tried to cut the branches of Neem trees for feeding of his goats, at that time, the honey bees which were present in the honey comb on the said tree, had suddenly attacked the deceased, however, the matter is still under investigation.

5. During investigation, the sixth respondent came to know that the deceased used to send public interest oriented complaints to various authorities. In the above circumstances, the sixth respondent is conducting investigation to find out as to whether there is any other motive against the deceased. Now, the investigation is at preliminary stage. In the meantime, the fifth respondent/Superintendent of Police, Sivagangai District, ordered constituting two different special teams headed by one Sadhuramesh, Inspector of Police, Devakottai Taluk and another team headed by one Pandian, Sub-Inspector of Police, Sivagangai Taluk Police Station. Now, they are investigating the case and there is no delay in conducting investigation. Now, the post-mortem autopsy was also conducted, in which, insect bite marks noted over both cheeks around both eyes and all over the body. It is also corroborating the preliminary investigation. The internal organs of the deceased



have been collected and sent for viscera analysis. Now, the investigation is going on in a proper way.

6. The learned counsel appearing for the petitioner would contend that the status report only speaks about the investigation conducted by the sixth respondent, whereas, the petitioner alleged that the post-mortem autopsy was not conducted properly and the most of the injuries were found on the body of the deceased, especially, blood and semen through his penis was also noted in the post-mortem. It is also contended that the post-mortem autopsy was conducted in a hurried manner without even video-graphing the same. Hence, it is prayed that re-post-mortem autopsy should be conducted.

7. Per contra, the learned Additional Public Prosecutor appearing for the respondents would contend that immediately after registering the First Information Report, investigation has been commenced and now, two police teams have been investigating the case effectively, they are also investigating on various angles and yet to complete the investigation. So far as the post-mortem is concerned, the post-mortem was conducted by one Dr.V.Senthilkumar, Assistant Professor, Department of Forensic Medicine, Government Sivagangai Medical College, Sivagangai, with a team of experienced doctors and in the absence of any specific allegation against the doctors' team, who conducted post-mortem, re-post-mortem autopsy cannot be ordered as a matter of course.

8. I have considered the rival submissions and perused the materials available on record carefully.

9. The Writ Petition is mainly seeking a direction to conduct re-post-mortem autopsy. According to the petitioner, there are so many injuries found on the deceased body, which were not properly noted during the post-mortem autopsy and even assuming that it is a honey bee bite, no strings were found in the body, and the petitioner is suspecting that the deceased might have been murdered by a rival group. In the absence of a thorough post-mortem and finding out the injuries in the dead body, the real culprit would escape from the clutches of law.

10. Considering the above circumstances, even though no specific allegation has been made against the doctors, who have conducted the autopsy over the dead body, since some apprehension has been raised by the petitioner, in the interest of justice, I am inclined to order re-post-mortem autopsy, for which, no prejudice would be caused to anybody.

11. Accordingly, the fourth respondent/Dean, Sivagangai Medical College, Sivagangai, is directed to take steps to conduct re-post-mortem autopsy over the body of the deceased, by name Thirunavukkarasu. Re-post-mortem autopsy should be done by a Senior Professor along with experienced team of Doctors, from the



department of Forensic Medicine of Sivagangai Medical College. It is also directed that the entire re-post-mortem autopsy should be video-graphed. After the re-post-mortem autopsy, the fourth respondent is directed to submit a CD along with the re-post-mortem autopsy report, to the Investigating Officer. The re-post-mortem autopsy is directed to be conducted on 20.08.2019 and the body should be handed over to the petitioner thereafter. As the investigation is being conducted in a proper way, at this stage, there is no necessity to transfer the investigation to any other agency.

12. The Writ Petition stands closed with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

SML

To

- 1.The Home Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai-9.
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Government of Tamil Nadu,
Health and Family Welfare Department,
St. George Fort,
Chennai-9.
- 3.The Director General of Police,
DGP Office,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-5.
- 4.The Dean,
Sivagangai Medical College,
Sivagangai.
- 5.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 6.The Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District.



7.The Deputy Superintendent of Police,
C.B.C.I.D.,
Sivagangai District.

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+1CC TO MR.M.SIDDHARTHAN, Advocate Sr. No. 82288

Order made in
W.P. (MD) No.17919 of 2019
Dated: 19.08.2019

GRC (CO)
TR (19.08.2019) 6P 9C