



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Cr1.O.P. (MD) .No.6651 of 2020

Selvarani

.. Petitioner

Vs.

1.The State of Tamilnadu rep. through its
The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

3.The Superintendent,
Kovilpatti Sub Jail,
Kovilpatti,
Thoothukudi District.

4.The Dean,
Medical College Hospital,
High Ground,
Palayamkottai,
Tirunelveli District.

5.Raghuganesan

6.Murugan

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction, directing the 1st respondent and 4th respondent to conduct Postmortem of the accused in FIR No.312 of 2020, dated 19.06.2020 registered on the file of the 2nd respondent police with a team of doctors not less than three and the entire Postmortem should be recorded by a videograph and the same should be submitted before this Court in a stipulated time.



For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

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ORDER

The petitioner has filed this petition seeking for a direction to the the first and fourth respondents to conduct Postmortem of the dead body/corpus of her husband Jeyaraj S/o Ponraj and her son Pennis, S/o Late Jeyaraj with a team of Doctors not less than three and to record the entire Postmortem through videograph and to submit a report before this Court.

2.The case of the petitioner is that her husband Jeyaraj and son Pennis were arrested by the second respondent police in connection with Crime No.312 of 2020 on 19.06.2020 and remanded to judicial custody on 20.06.2020 by the order of the learned Judicial Magistrate, Sathankulam. The petitioner's husband and her son, who were confined at Sub-Jail, Kovilpatti, Thoothukudi District, died in suspicious circumstances. The petitioner's son Pennis died in Sub-Jail on 22.06.2020 at 9.30 p.m., and her husband Jeyaraj died on the next day i.e., on 23.06.2020 at 4.30 a.m. Therefore, suspecting some foul play, the petitioner has approached this Court for proper Postmortem and to videograph the same.

3.Considering the seriousness of the case, this case has been taken up today on mentioning by the learned counsel for the petitioner.

4.The learned Additional Public Prosecutor has also been furnished with papers and he got instructions from the respondent police.

5.The learned counsel for the petitioner submitted that the husband of the petitioner was running a mobile sale shop at Sathankulam Market. While so, the Sub-Inspector of Police one Raghuganesan along with HC258 Mr.Murugan without allowing the petitioner to close the shop, arrested him and took him to police station on 19.06.2020 and he was arrayed as accused in Crime No.312 of 2020, dated 19.06.2020 on the file of the second respondent police for the offence alleged under Sections 188, 269, 294 (b), 353 and 506(ii) of I.P.C. Thereafter, the petitioner's son, who is aged about 31 years, went to the police station and he was also later arrayed as accused No.2 and thereafter, they have been taken before the learned Judicial Magistrate, Sathankulam. But, they were not allowed to speak with the learned Judicial Magistrate, citing the COVID - 19 Social Distancing and thereafter, they were remanded to Judicial Custody. While so, the



petitioner's son declared dead on 22.06.2020 at 9.30 p.m. and her husband declared dead on 23.06.2020 at 4.30 a.m. Therefore, the petitioner on suspicion over the police officials has filed the present petition.

6.The learned Additional Public Prosecutor, on instructions, submitted that pursuant to the demise of the petitioner's husband and son, cases in Crime Nos.649 and 650 of 2020 were registered as contemplated under Section 176(1-A) Cr.P.C, on the complaint of the Superintendent of Sub Jail, Kovilpatti.

7.According to the learned Additional Public Prosecutor, the dead bodies are lying in the Tirunelveli Medical College Hospital and the Postmortem is not yet commenced.

8.Considering the seriousness of the allegation, this Court deems it fit to issue a direction to the fourth respondent Dean, Medical College Hospital, Highground, Palayamkottai, Tirunelveli District, to conduct Postmortem of the petitioner's husband Jeyaraj S/o Ponraj and her son Pennis, S/o Late Jeyaraj by constituting a team of Doctors not less than three and ensure that the entire Postmortem is videographed and shall file a report.

9.In view of the limited prayer sought for in this petition, this Criminal Original Petition is disposed of with the above direction. However, taking cognizance of the seriousness of the issue, Registry is directed to place the matter before the Hon'ble Administrative Judge of this Bench, for further course of action.

10.The learned Additional Public Prosecutor is directed to inform the fourth respondent as well as the second respondent police about the orders passed in this Criminal Original Petition.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar(CS)

TM/PM

To

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.



2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

3.The Superintendent,
Kovilpatti Sub Jail,
Kovilpatti, Thoothukudi District.

4.The Dean,
Medical College Hospital,
High Ground, Palayamkottai,
Tirunelveli District.

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

copy to
The Registrar(Judicial)
Madurai bench of Madras High Court, Madurai.

Crl.O.P. (MD) .No.6651 of 2020
23.06.2020

VR(CO)
TR(23.06.2020) 4P 7C