



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8160 of 2020

and

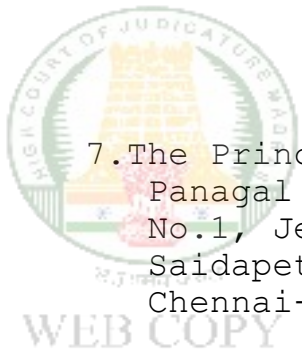
W.M.P.(MD)Nos.7568, 7569 & 7571 of 2020

Palammal

... Petitioner

Vs.

- 1.The Home Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai-625 009.
- 2.The Director General of Police,
Office of the D.G.P.,
Dr.Radhakrishnan Salai, Mylapore,
Chennai-625005.
- 3.The Director General of Police,
O/o.Director General of Police (D.G.P)
Crime Branch Crime Investigation Department (C.B.C.I.D)
No.220, Pantheon Road, Egmore,
Chennai-8.
- 4.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 5.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
- 6.The District Collector,
Collector Office,
Tenkasi.



7.The Principal Chief Conservator of Forests,
Panagal Maaligai,
No.1, Jennis Road,
Saidapet,
Chennai-600015.

8.The Additional Principal Chief Conservator of Forests
and Field Director,
Project Tiger Kalakadmundunthurai Tiger Reserve,
NGO Colony,
Tirunelveli 627 007.

9.The Chief Medical Officer,
Government Hospital, Tenkasi,
Tenkasi District.

10.The Dean,
Tirunelveli Medical College and Hospital,
Tirunelveli. ... Respondents
(R10 *Suo motu* impleaded as per the
order of this court dated 09.10.2020)

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to entrust the investigation of pending case in Crime No.222 of 2020 on the file of the fifth respondent Police Station to the third respondent officer for a fair and impartial investigation and to direct the third respondent to file periodic report to this Court on the progress made in the investigation.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

2.The Dean, Tirunelveli Medical College and Hospital, Tirunelveli, is *suo motu* impleaded as 10th respondent. The learned Additional Advocate General takes notice for the impleaded respondent.



3.The case of the petitioner is that her husband Anaikarai Muthu was taken by the five forest officials on 22.07.2020 at about 11 p.m., and that later, he was found dead. The petitioner specifically alleges that it is a case of custodial death at the hands of the forest officials. In this regard, Crime No.222 of 2020 was registered on the file of the Alwarkurichi Police Station. Postmortem was done. But then, the petitioner was not satisfied with regard to the manner, in which, investigation was being conducted. Therefore, this writ petition came to be filed. The petitioner asked for conducting a second postmortem. The said prayer was allowed and the second postmortem was also done.

4.The petitioner wants this Court to direct the fifth respondent for alteration of the FIR and incorporation of the offence under Section 302 of IPC.

5.The learned Additional Advocate General points out that the inclusion of the offence under Section 302 of IPC will depend on the outcome of the postmortem proceedings. The Investigation Officer is handicapped because neither the first postmortem report nor the second postmortem report has been made available to him.

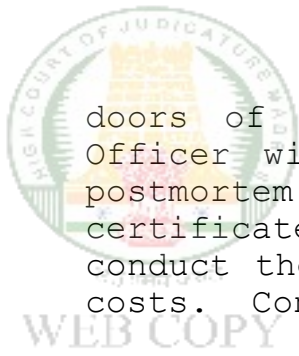
6.The learned Additional Advocate General would submit that Investigation Officer has been approaching the Dean, Tirunelveli Medical College and Hospital for the last several weeks and that, for some reason or the other, the document has not been made available to him.

7.I find the said contentions of the learned Additional Advocate General to be sustainable. Therefore, I direct the Dean, Tirunelveli Medical College and Hospital to forthwith hand over the certificate in respect of the first postmortem done on the deceased to the Investigation Officer immediately / fifth respondent herein. Likewise, the certificate regarding the second postmortem is said to be available with the Registry of this Court. Registry is also directed to immediately hand over the same to the fifth respondent. The inclusion of the offence under Section 302 of IPC will depend on the contents of these postmortem certificates.

8.In order to instill confidence in the mind of the petitioner and without causing aspersion on the investigation done so far, I direct the fourth respondent to entrust the investigation in the hands of the jurisdictional Deputy Superintendent of Police.

9.The learned Additional Advocate General also pointed out that a sum of Rs.10,00,000/- has already been disbursed to the petitioner herein.

10.With these directions, this Writ Petition is disposed of. I make it clear that it is always open to the petitioner to knock the



doors of this Court, if situation warrants. The Investigation Officer will also share the copies of the video footage of the postmortem with the petitioner's counsel and also the postmortem certificates. The new Investigation Officer is called upon to conduct the investigation expeditiously and file final report. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Home Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai-625 009.
- 2.The Director General of Police,
Office of the D.G.P.,
Dr.Radhakrishnan Salai, Mylapore,
Chennai-625005.
- 3.The Director General of Police,
O/o.Director General of Police (D.G.P)
Crime Branch Crime Investigation Department (C.B.C.I.D)
No.220, Pantheon Road, Egmore, Chennai-8.
- 4.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 5.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.



6.The District Collector,
Collector Office, Tenkasi.

7.The Principal Chief Conservator of Forests,
Panagal Maaligai, No.1, Jennis Road,
Saidapet,
Chennai-600015.

8.The Additional Principal Chief Conservator of Forests
and Field Director,
Project Tiger Kalakadmundunthurai Tiger Reserve,
NGO Colony,
Tirunelveli 627 007.

9.The Chief Medical Officer,
Government Hospital, Tenkasi,
Tenkasi District.

10.The Dean
Tirunelveli Medical College and Hospital, Tirunelveli.

Copy to:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Writ (Records),
Madurai Bench of Madras High Court, Madurai.

W.P.(MD)No.8160 of 2020
09.10.2020

Rmi
SDS (22.10.2020) 5P-13C