



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Friday, the Thirty First day of July Two Thousand Twenty

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

WMP (MD) No.7813 of 2020  
IN  
WP (MD) No.8414 of 2020

D.SETHUPATHI

... PETITIONER

Vs

- 1.THE SECRETARY TO GOVERNMENT,  
HOME (POLICE V) DEPARTMENT,  
SECRETARIAT, ST.GEORGE FORT, CHENNAI-009
- 2.THE SUPEINTENDENT OF POLICE,  
DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
PALANI TALUK POLICE STATION,  
DINDIGUL DISTRICT.
- 4.THE INSPECTOR OF POLICE,  
C.B.C.I.D, DINDIGUL DISTRICT.
- 5.THE JOINT DIRECTOR OF HEALTH SERVICE,  
GOVERNMENT HOSPITAL,  
DINDIGUL DISTRICT.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of interim direction by directing the 5th respondent to conduct re-postmortem on the body of the petitioner's son S.Mohan Kumar with a team of three doctors with videographing pending disposal of the main writ petition pending on the file of this Hon'ble Court.

**Prayer in WP(MD). 8414/ 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to pass an order or direction or writ more particularly in the nature of Writ of Mandamus by directing the 1st respondent to withdraw the case in Crime No.730/2020 from the file of the 3rd respondent and entrust the same to the file of the 4th respondent so as to get along with

<https://hservices.courts.gov.in/hcservices/>  
the investigation.



**ORDER :** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.ANAND, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

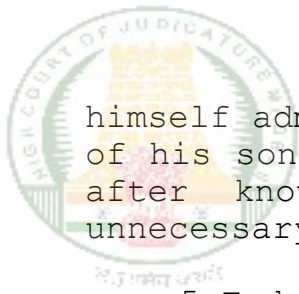
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The writ miscellaneous petition has been filed seeking interim direction by directing the first respondent to conduct re-postmortem on the body of the petitioner's son namely S.Mohan Kumar with a team of three doctors with video-graphing.

2.The case of the petitioner is that the deceased S.Mohan Kumar is his second son and he is studying 7<sup>th</sup> standard at Guruppa Naicker Higher Secondary School, Neikarapatti. On 24.07.2020, through his elder daughter, he came to know that his son S.Mohan Kumar did not return back to his home. Only on the next day i.e., on 25.07.2020 at about 9.00 a.m., he found the dead body of the said Mohan Kumar just adjacent to the house of one Chitti Babu who is his neighbour. On seeing his son, he found that in the right side portion of his neck, there is burning wound with firing object. The enquiry made by him revealed the fact that his son S.Mohan Kumar, on 24.07.2020, has been called by the parents of Chitti Babu for doing some domestic work. Responding to the same, he has also gone to the house of the said Chitti Babu, for which, he was also provided with dinner for completing the work. After finishing the dinner, since the petitioner's son has not heeded to their direction, they got wild and started beating him. Resultantly, the parents of the Chitti Babu had taken S.Mohan Kumar to the upstairs of their house and pushed him therefrom. Suppressing the same, the third respondent police proceeded the case in the manner that the petitioner's son was died on account of electric shock. Without accepting the words of the petitioner, the third respondent colluded with the said Chitti Babu and attempted to suppress the real fact.

3.The learned counsel for the petitioner would submit that after completing the postmortem, in order to find out the real picture, the petitioner has not received the dead body of his son. Due to fallen down from the upstairs, there may be a chance for some other injury except the injury noted by the Doctors. Therefore, re-postmortem is necessary and prays to allow this petition.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that initially on receipt of the complaint given by the petitioner, the third respondent police registered a case in Crime No.730 of 2020 under Section 174 of Cr.P.C. Only during the time of investigation, it was find out that the accused in this case illegally connected the electric wire from one house to another house. The deceased being the young boy and without knowing the fact that the wire found in the street is having electricity supply, he cut the electric wire and thereby, he was electrocuted as a result of which, he was died. The petitioner



himself admitted in his complaint as at the time of seeing dead body of his son, there were two injuries due to the electrocution. Even after knowing the same, filing this type of application is unnecessary.

5.Today, when the petition is came up for hearing, as per the direction given by this Court, the learned Additional Public Prosecutor submitted the copy of the CD file along with copy of the postmortem report. Initially, on go through the copy of the complaint given by the petitioner, the petitioner categorically mentioned that some injuries found in the dead body of his son are likely due to the electric shock. To corroborate the same, all the witnesses examined on the side of the prosecution confirm that the dead body is having injury due to the electric shock. In Column No.15 of the inquest report, all the panchayathars came to the same conclusion that the deceased was died due to the electrocution and in the postmortem report also the Doctor has mentioned the injury as that of the injury now mentioned by the petitioner and others. Further in the internal examination, it was noted as no fracture was appeared.

6.In the said circumstances, we cannot come to the conclusion that the real picture has been suppressed by the third respondent. The complaint given by the petitioner is the earliest document, in which, the petitioner himself admitted that the injury found in the dead body is due to electric shock. Furthermore, he cannot suspect over the team of doctors, who conducted postmortem without any specific allegations. If the deceased has fallen down from the upstairs as alleged by the petitioner, definitely there may be a chance for fracture in the bone. But in this case during the time of postmortem, the Doctor who conducted the postmortem did not say anything about the fracture. Moreover, as of now, expert report in respect of viscera analyze has not been received. Therefore, in the said circumstances, the third respondent came to the conclusion that the death is due to electrocution and thereby, he altered the sections of law into 304(A) and 201 of I.P.C.

7.In the light of the above discussion, I am of the considered opinion that this petition is devoid of merits and the prayer sought for by the petitioner cannot be granted and the same is unnecessary for identifying the truth and also for completing the investigation. Accordingly, this Writ Miscellaneous Petition is dismissed.

sd/-  
31/07/2020

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/08/2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

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HOME (POLICE V) DEPARTMENT,  
SECRETARIAT, ST. GEORGE FORT, CHENNAI-009

2. THE SUPERINTENDENT OF POLICE,  
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ORDER  
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IN  
WP (MD) No.8414 of 2020  
Date : 31/07/2020

CP  
TK/AKM/SAR.2/17.08.2020/4P/6C