



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.4145 of 2016

Thirukkammal, W/o.Senthil

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The Additional Director General of Police (Prisons),
No.1, Gandhi Irwin Road,
Egmore, Chennai.
- 3.The Commissioner of Police,
Madurai City.
- 4.The Superintendent of Prison,
Central Prison, Madurai.
- 5.The Dean,
Rajaji Government Hospital, Madurai.

.. Respondents

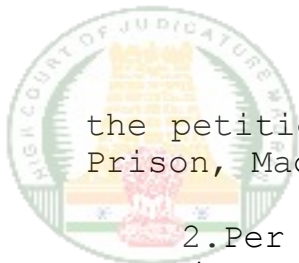
Prayer:- Petition is filed under Article 226 of the Constitution of India, directing the first and second respondent to hold proper enquiry by appointing competent officers into the death of the petitioner's husband namely, Senthil, S/o.Muniyasamy, who died on 24.02.2016 at Central Prison, Madurai.

For Petitioner : No Appearance

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal side)

ORDER

The petitioner herein, who is the wife of one Senthil, who died in Prison while confined as an under trial prisoner, suspecting foul play in the death of her husband, has filed the present Writ Petition seeking Mandamus, to direct the respondents 1 and 2 to hold proper enquiry, by appointing competent Officers into the death of



the petitioner's husband Senthil, who died on 24.02.2016 at Central Prison, Madurai.

2.Per contra, in the counter affidavit filed by the Superintendent of Central Prison, Madurai, fourth respondent herein, it is stated that the said Senthil was remanded to Prison in Crime No.425 of 2015 for the offences under Sections 294(b), 324 and 506 (ii) of I.P.C., by the learned Judicial Magistrate No.IV, Madurai, on 13.05.2015 and he was lodged in the 17th Cell, 'B' Block, Central Prison at Madurai, along with one Senthil Kumar, S/o.Soundarapandi, an accused in a case in Crime No.1 of 2016, registered for the offence under Section 302 of I.P.C, on the same day. The duty Warden Thiru.N.Naveethakrishnan heard the screaming at late hours of 23.02.2016. He found the said Senthil, remand prisoner, was unconscious with head injury and also Senthil Kumar, remand prisoner, with injury in his head. After providing first aid to Senthil, he was taken to Government Rajaji Hospital, Madurai, with escort. The Medical Officer of Government Rajaji Hospital, Madurai, declared the prisoner was brought dead. Immediately, a case in Crime No.131 of 2016 was registered under Section 176(1)(A) of Cr.P.C. The learned Judicial Magistrate No.V, Madurai, has conducted inquest. The other remand prisoner viz., Senthil Kumar, who also sustained injury, was also sent to Psychiatric observation, as per the order of the learned Judicial Magistrate, Thirumangalam. After this incident, he has been referred to Institute of Mental Health, Kilpauk, Chennai. Insofar as the case registered under Section 176 of Cr.P.C. in Crime No.131 of 2016 is concerned, the same has now been transferred to the CBCID, vide order dated 24.12.2019, for further investigation. He would further submit that there is no violation of human rights of the deceased prisoner and he was attacked by the co-prisoner, who was mentally deranged and all the possible medical assistance was extended to the deceased Senthil.

3.In the light of the above said statements made by the fourth respondent, this Court finds that nothing survives for further adjudication in this Writ Petition, since the respondents have already taken an administrative decision to transfer the investigation to CBCID and the CBCID has taken up the investigation. Hence, this Writ Petition is disposed of recording the transfer of investigation to CBCID. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Principal Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Additional Director General of Police (Prisons),
No.1, Gandhi Irwin Road,
Egmore,
Chennai.

3.The Commissioner of Police,
Madurai City.

4.The Superintendent of Prison,
Central Prison,
Madurai.

5.The Dean,
Rajaji Government Hospital,
Madurai.

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

W.P. (MD)No.4145 of 2016
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