



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/11/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

W.P.(MD)No.9045 of 2016

K.Muniyammal

: Petitioner

Vs.

1.The Chief Secretary to the Government of Tamil Nadu,
Tamil Nadu Government Secretariat,
Chennai-9.

2.The Secretary,
Home Department,
Tamil Nadu Government Secretariat,
Chennai-9.

3.The Director General of Police,
Prison Department,
Chennai.

4.The District Collector,
District Collector's Office,
Virudhunagar,
Virudhunagar District.

5.The Superintendent of Prisons,
Prison Department,
Madurai.

6.The Inspector of Police,
C5, Karimedy Police Station,
Madurai.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to grant Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the petitioner as the compensation for the custodial death of petitioner's husband and conduct a detailed Judicial enquiry on the death of petitioner's husband and direct the respondents 3 to 6 to conduct a detailed enquiry and punish the persons who are the main cause of petitioner's husband's death.



For Petitioner : Mr.S.Samuel James Devasagayam
For Respondents : Mr.KR.Bharathi Kannan
Government Advocate (Criminal Side)

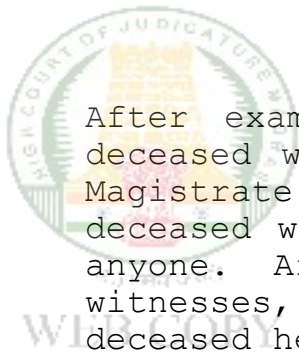
O R D E R

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This Writ Petition has been filed seeking direction to the respondents 1 and 2 to grant Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the petitioner as the compensation for the custodial death of petitioner's husband and conduct a detailed Judicial enquiry on the death of petitioner's husband and direct the respondents 3 to 6 to conduct a detailed enquiry and punish the persons who are the main cause of petitioner's husband's death.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband involved in another case registered in Crime No.101 of 2009 for the alleged offence under Section 307 of IPC. After completion of investigation, the Inspector of Police, Aruppukkottai Taluk has filed a charge sheet and the same has been taken on file in S.C.No.183 of 2009. Thereafter, he was found guilty and sentenced him to undergo 7 years imprisonment. Thereafter, the petitioner's husband was confined at Central Prison, Madurai on 16.08.2011. While that being so, on 17.11.2015, the fifth respondent staff informed to the brother of her husband that the petitioner's husband was admitted in the Government Rajaji Hospital, Madurai, due to his sickness and thereafter, he informed that her husband was died at about 06.30 p.m on the same day. Later, the petitioner visited the hospital and came to understand that her husband died at unconscious stage and as such the FIR was registered in Crime No.978 of 2015 for the offence under Section 176 (1-A) Cr.P.C. As per the FIR, the sixth respondent stated that the petitioner's husband fell down on 17.11.2015 and became unconscious. He further submitted that the petitioner suspected her husband's death, since he was hale and healthy and there is no possibility of him to meet a natural death, she also suspected that the jail authorities would have assaulted him severely and as such he sustained injuries and died. Now, the petitioner and her three children lost their life, since the petitioner's husband is the only bread winner of his family. Therefore, he sought for appropriate action as against persons who are the main cause of petitioner's husband's death and also sought for compensation of Rs.15,00,000/-.

3.The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the husband of the petitioner was convicted for the offence under Section 307 of IPC in S.C.No.183 of 2009, dated 16.08.2010 and he was confined at Central Prison, Madurai. On 17.11.2015 after fetching his dinner went for a walk, the petitioner's husband fell down unconsciously. Thereafter, the prisoners took to the Jail Hospital for First Aid and on the same day, again he was taken to the Government Rajaji Hospital, Madurai.



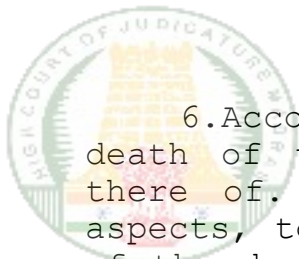
After examined the deceased by Doctors, they informed that the deceased was brought dead. In this regard, the learned Judicial Magistrate No.5, has conducted inquest and as per his inquest, the deceased was in good health condition and no other reports against anyone. After recording the statement from panchayatars and all the witnesses, it was opined that the cause of the death only due to the deceased health condition and not due to any other extraneous cause. On perusal of the Postmortem certificate and final opinion of the chemical examiners, the cause of the death of the deceased that the deceased would have died due to lung disease and its complications there of and no poison was detected, nor any other incriminating aspects, to doubt the death of the deceased. Therefore, the petitioner is not entitled for any compensation and also there is no material to conduct enquiry as against the jail authorities.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for he respondents.

5.The petitioner's husband viz., V.Kumaravel was convicted and sentenced him to undergo 7 years imprisonment in S.C.No.183 of 2009 on the file of the Additional District Judge, Aruppukkottai, by judgment dated 16.08.2011 and thereafter, he confined at Central Prison, Madurai. Thereafter, on 17.11.2015 he fell down and became unconscious and he was taken to the Government Rajaji Hospital, Madurai and after examining the deceased, he was brought dead. In this regard, the learned Judicial Magistrate No.V, Madurai has conducted inquest and filed inquest report, in which, paragraph No.5 and 6 are extracted hereunder:

"5.The deceased person had no external injuries when I witnessed. The panchayatars have unanimously stated that the deceased was in good health condition and no other reports against anyone. From the Statement of the Panchayatars and convicts as well as medical records maintained in the Prison Hospital, prima facie it was opined that the cause of the death only due to the deceased health condition and not due to any other extraneous cause.

6.On receipt of the Postmortem Certificate and Final Opinion as to cause of the death of deceased referred to above based on the chemical examiners-report and Histo pathological examination report, it is now apparent that the Deceased would have died due to lung disease and its complications there of. No poison was detected, nor any other incriminating aspects, to doubt the death convict Kumaravel. "



6. According to the Magistrate No.V, Madurai, the cause of the death of the deceased due to lung disease and its complications there of. No poison was detected, nor any other incriminating aspects, to doubt the death of the deceased. In fact, on the death of the deceased, the sixth respondent Police has registered a case in Crime No.978 of 2015 for the offence under Section 176 (1-A) Cr.P.C. On receipt of the inquest report from the learned Judicial Magistrate No.V, Madurai, the sixth respondent has also conducted enquiry and closed the FIR as "Action Dropped". On perusal of the Postmortem Certificate of the deceased, the deceased would have died due to lung disease and its complications there of. Further it was found that no marks of violence or injuries are noted on the body of the deceased. Therefore, the sixth respondent has rightly closed the FIR as "Action Dropped". When it being so, no require warrants for enquiry, since no one is responsible for the death of the petitioner's husband. Therefore, the petitioner is not entitled for any compensation as prayed for.

7. Hence, this writ petition stands dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar()

//True copy//

/ /2021
Sub Assistant Registrar

To

1. The Chief Secretary to the Government of Tamil Nadu,
Tamil Nadu Government Secretariat,
Chennai-9.
2. The Secretary,
Home Department,
Tamil Nadu Government Secretariat,
Chennai-9.
3. The Director General of Police,
Prison Department,
Chennai.
4. The District Collector,
District Collector's Office,
Virudhunagar, Virudhunagar District.
5. The Superintendent of Prisons,
Prison Department,
Madurai.



6. The Inspector of Police,
C5, Karimedy Police Station,
Madurai.

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

Order made in
WP (MD) No. 9045 of 2016
30.11.2020

VSG
SRS/05.02.2021/5P/8C