

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2931 of 2018
and CrI.M.P.No.17491 of 2018
and CrI.M.P.No.601 of 2019

Gomathi

.. Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Inspector of Police,
Arovil Police Station,
Villupuram District.

4.Jayaprakash,
Sub-Inspector of Police,
Special Team,
Villupuram,
Villupuram District.

5.The Superintendent of Police,
Central Prison,
Cuddalore, Cuddalore District.

6.Parasuraman,
Sub-Inspector of Police,
Arovil Police Station.

7.Elilarasi,
Inspector of Police - Incharge,
Arovil Police Station.

8.Aruldoss,
Special Sub-Inspector of Police,
Arovil Police Station,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the first respondent to permit the petitioner to have an independent qualified medical representative of the petitioner's choice during autopsy (postmortem) of the petitioner's husband Michel @ Elumalai, S/o.Amirthalingam, aged 36 years.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the first respondent to permit the petitioner to have an independent qualified medical representative of the petitioner's choice during autopsy (postmortem) of the petitioner's husband Michel @ Elumalai, S/o.Amirthalingam, aged 36 years.

2. One Michel @ Elumalai was arrested in Arovil Police Station Crime No.731 of 2018 for the offences under Sections 294-B, 341, 392, 397, 332 and 307 IPC r/w Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and was remanded in judicial custody at Central Prison, Cuddalore, where, he died on 17.12.2018.

3. Suspecting foul play in the death of Michel @ Elumalai, his wife has filed CrI.M.P.No.601 of 2019 in H.C.P.No.2931 of 2018 seeking transfer of the investigation to CB-CID, Cuddalore.

4. In connection with the death of Michel @ Elumalai in the Central Prison, Coimbatore, a regular case in Cuddalore Old Town Police Station Crime No.737 of 2018 under Section 176 Cr.P.C. was registered. Since the death was in judicial custody, the inquest has been conducted by the Judicial Magistrate No.III, Cuddalore and the inquest report has been sent to this Court in a sealed cover.

5. This Court perused the inquest report and is of the opinion that the investigation should proceed further.

6. In such view of the matter, this Court directs the transfer of the investigation in Cuddalore Old Town Police Station Crime No.737 of 2018 to the Deputy Superintendent of Police, Cuddalore Subdivision, who shall conduct the investigation in this case in accordance with law. The Deputy Superintendent of Police, Cuddalore Subdivision, shall come in person and collect the inquest report from the Assistant Registrar (Crl.Section) of this Court, under proper identification and proceed further with the investigation. However, if the petitioner is thereafter aggrieved with the progress in the investigation, it is always open for her to approach this Court under Section 482 Cr.P.C. for appropriate directions. It is needless to state that the Deputy Superintendent of Police, will no doubt enquire the petitioner in the course of the investigation.

In the result, this habeas corpus petition is closed.
Connected Crl.M.Ps. are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Inspector of Police,
Aravil Police Station,
Villupuram District.

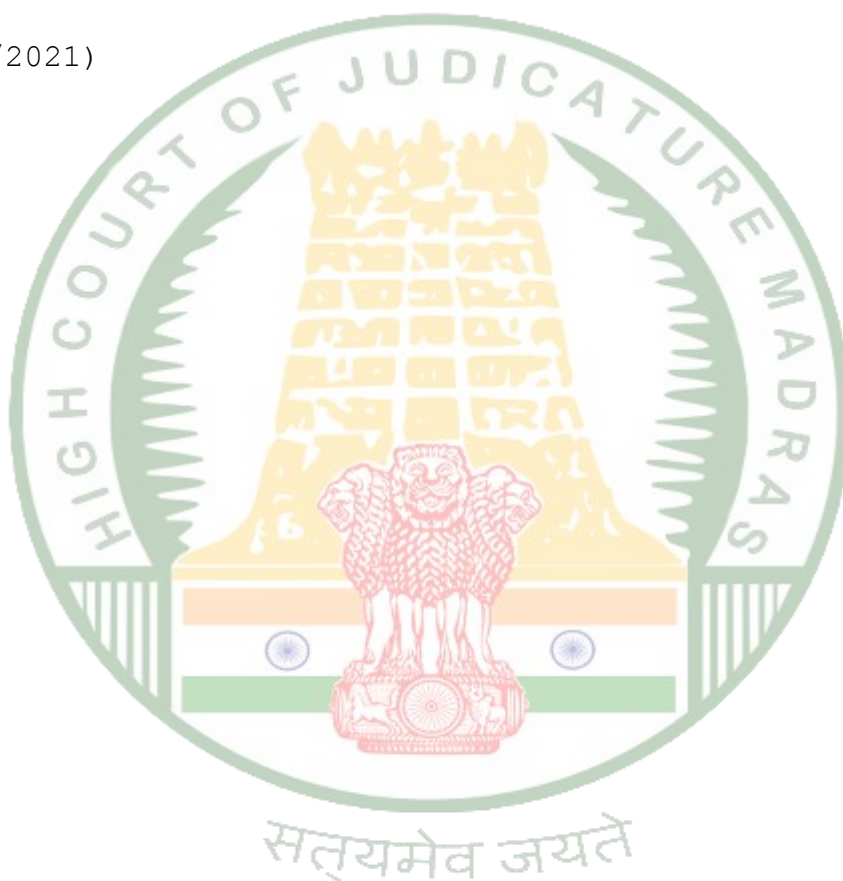
5.The Deputy Superintendent of Police,
Cuddalore Subdivision.

6.The Assistant Registrar (Crl.Section)
Madras High Court,
Chennai - 600 104.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2931 of 2018

MGR (CO)
NRA (22/02/2021)



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