



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 04.08.2021

Delivered On : 23.09.2021

CORAM

**THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.15391 of 2020

Sathasivam

.. Petitioner

vs.

The State through  
The Deputy Superintendent of Police  
Railway Track Police Sub Division,  
Madurai.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the proper Re-investigation in to the death of Mr. Ramesh on 03.10.2018 by a competent agency in special S.C No. 10 of 2019 on the file of the Special Court PC Act Cases Sivagangai.

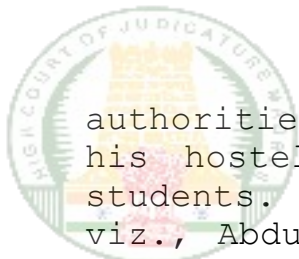
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.R.M.Anbunithi  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition is filed seeking a direction for re-investigation into the death of Ramesh on 03.10.2018 by a competent agency in Special S.C No. 10 of 2019 on the file of the Special Court (PC Act Cases), Sivagangai.

2.The petitioner belonged to Scheduled Caste Community. His brother was one Vengatesan. He was a resident of Port Blair, Andhaman Islands. His son was Ramesh. He was studying his Second Year Civil Engineering in Mount Zion Engineering College, Lanavalakku, Thirumayam Taluk, Sivagangai District. He was a meritorious student and he was also a sportsperson. On 03.10.2018, at about 8.15 pm., the students, who were studying in the above said College informed over phone that Ramesh died. He went to the place and he was hit by train. It was told by the College



authorities that on 03.10.2018, he was found smoking cigarette in his hostel room. So, quarrel arose between Ramesh and other students. On the next day, he was assaulted by the other student, viz., Abdul Baris. So, the above said Abdul Baris was sent out of the hostel and enquiry was conducted. During enquiry, the above said Ramesh gave an undertaking he will not indulge any such activities in future and also tendered apology. It happened at about 03.40 pm., on 03.10.2018 and thereafter, he was found missing in the evening. His dead body was found near Railway Track.

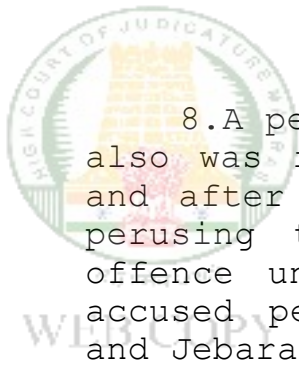
3. Even though the petitioner and his brother, namely, the father of the said Ramesh, suspected some foul play, since he did not leave any suicide note or give any indication to commit suicide, the case was registered in Crime No.15 of 2018 in Karaikudi Police Station, under Sections 174 .P.C., 306 I.P.C and Section 3(1) (j) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Investigation was undertaken and final report was also filed before the concerned Court. It was taken on file in S.C.No.10 of 2019, on 06.01.2019 by the Special Court for Trial of Cases under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in that case, the accused persons filed Crl.O.P.(MD) No.11789 of 2019, before this Court, seeking quashment of the final report. Finding that no case has been made out for the offence under Section 306 I.P.C., it was quashed, by order, dated 17.10.2019.

5. The circumstances, in which, the occurrence took place would clearly point out that it was the case of murder and not abetment to suicide. The investigation that was undertaken, was completely a faulty one. He was a promising student both in academic and sports fields. So, this petition is filed seeking re-investigation of the above said crime.

6. Heard both sides.

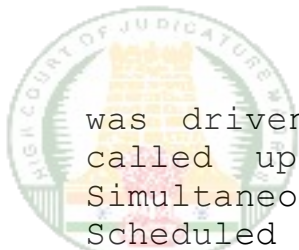
7. At the outset, this Court wants to place it on record that it is a belated attempt on the part of the petitioner, suspecting foul play in the alleged suicide of Ramesh. When the matter was argued at length finding that Crl.O.P.(MD)No.11789 of 2019 was disposed of by this Court on merits, after hearing the accused persons, learned Additional Public Prosecutor and as well as this petitioner, this Court posed a specific question to the learned counsel for the petitioner as to what was his argument, when the matter was heard in Crl.O.P.(MD)No.11789 of 2019.



8.A perusal of the above said order shows that this petitioner also was represented by counsel and his argument was also heard and after hearing the argument of both sides and as well as by perusing the records, this Court came to the conclusion that offence under Section 306 I.P.C., is not made out against the accused persons, namely, Ramachandran, Radha, O.T.John, E.Mohan and Jebaraj.

9.The case of the prosecution is that because of the smoking incident, the deceased was teased and insulted by the committee, which was formed for enquiring the above said issue. The accused persons were the Committee Members. So, during the course of enquiry, the deceased was insulted about his cigarette smoking habit and ordered to tender apology and thereby, he committed the abetment of suicide. So, because of the humility suffered at the hands of the accused persons, he committed suicide by jumping in front of the unknown train. Originally, the case was registered under Sections 174 Cr.P.C., 306 I.P.C and Section 3(1) (j) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Investigation was undertaken and the final report was filed under Section 306 I.P.C. and under the special provision of the above said Rules. Only on the above said stage, the accused have filed the above quash petition, finding that the allegations made against those petitioners are not sufficient enough, to attract the ingredients of offence under Section 306 I.P.C. in the above said petition and the petition was allowed and the criminal proceeding was quashed.

10.So, this is the second chance, which was available to the petitioner to make out a case of murder by expressing his suspicion over the occurrence. But, he failed to participate in the process and saw that the petition was allowed and there was no appeal. It was allowed on 17.10.2019 . The final report was filed in the year 2019 itself. So, by this time, the petitioner has come to the knowledge about the final report that was filed by the Investigation Officer. He did not file any petition before the concerned Court, namely, Special Court, Sivagangai, seeking further investigation. That was the earliest opportunity available to him. But, he did not utilise the same. The father of the deceased namely, Vengatesan also received Rs.4,12,500/- (Rupees Four Lakhs Twelve Thousand and Five Hundred only) as compensation payable under the provision of the above said Rules. The order was passed on 21.07.2020. Even the father of the deceased did not take care to agitate the finding of the Investigating Officer. But a perusal of the records shows that the father of the deceased, viz., Vengatesan, sent a complaint on 11.10.2018, to the National Human Rights Commission, New Delhi, stating that over the inability of the deceased, to pay College fees, he was beaten by the College Administration and thereby, he



was driven to commit suicide. The Superintendent of Police was called upon to file reply. He filed reply on 14.10.2019. Simultaneously, he sent a complaint to the Commissioner of Scheduled Caste and Scheduled Tribe, New Delhi and that was also pending. On considering the complaint and reply given by the Superintendent of Police, a direction was issued to the Investigation Officer, to speed up the investigation and file the final report in accordance with law. So, this is the first occasion which the father of the deceased has made a complaint against the College authority, regarding suicide. Thereafter only, Crl.O.P.(MD)No.11789 of 2019 was taken up for hearing, ie., only after the complaint made on 11.10.2018, the above said Crl.O.P. was taken up for hearing. So, it appears that this petitioner did not make any submission to the effect that he is suspecting the College Administration, regarding the occurrence. Thereafter, this petition was presented before this Court on 18.12.2020, which means after a lapse of a year.

11. Noting the above said submission, a second question was put to the learned counsel for the petitioner by this Court as to when he entertained a suspicion over the College Administration, regarding the death. The learned counsel for the petitioner would submit that soon after receiving the copy of the final report, he entertained a doubt. But, the dates and events would show that he was fully aware of the conclusion reached by the Investigation Officer to the effect that only because of the alleged insult, that was meted out to the deceased at the hands of the Enquiry Committee that was formed by the College Administration. During the enquiry into the cigarette smoking issue, he committed suicide. He went to give a complaint to the National Human Rights Commission, New Delhi and the Commissioner of Scheduled Caste and Scheduled Tribe, New Delhi, however, the same cannot be satisfactorily explained. More particularly, when he himself participated in the above said Criminal Original Petition proceedings, it is nothing but a belated attempt on the part of the petitioner, to make out a case of murder.

12. Several grounds have been raised by the petitioner. Those are all factual aspects or also circumstances. The case raises suspicion over the impression that it is a case of murder. The petitioner would say that the College Administration attacked the deceased in a separate room and he was thrown out in a Railway Track, to make it appears, it was a case of suicide. The train, which allegedly hit the deceased was also not identified.

13. According to the petitioner, it is highly unbelievable that the train which hit the deceased could not be identified by the Investigation Officer. Next ground is that one Kevin, who was studying along with the deceased, called Ramesh at about 4.00 O



clock, but, he did not pick up the phone. When they were searching him, a train was proceeding towards Pudukottai and thereafter, the mobile phone was picked up by one person and he informed that the said mobile phone and money purse belonged to the deceased available in Palaniappa Lodge; So, the petitioner found suspicion the recovery and the story as stated above. The police did not take any steps to verify the call records of the mobile phone. The final report has been filed in a haphazard manner. The next ground is that though the face was defaced, the body was intact without severance of any parts. So, another ground that has been made in the petition is contrary to the statements of one Kevin and Jeyaprakash. So, according to the petitioner, all those defects that have been made in the petition, would clearly shows that investigation has not been properly undertaken.

14. But, I am unable to agree with the line of argument that has been advanced by the petitioner. A perusal of the entire CD file shows that there was no biased attitude on the part of the Investigation Officer. During the inquest, opinion was expressed by the Panchayatar to the effect that because of the College Administration over the remittance of college fees, the deceased committed suicide. But, during the investigation, it was found that only the cigarette smoking incident was the reason. During investigation, the 161 Statement of one Sivanesan, Balamurugan, Vishnu, Pitchaimuthu, Arokiyasamy, Jeyaprakash, Harikrishnan and several other persons, have been recorded. So, most of the persons have stated to the effect that only because of the cigarette smoking incident, enquiry was conducted and after conducting the enquiry, he was called upon to pay Rs.5,000/- as fine and also directed to remit the balance of fees amount. Thereafter, he committed suicide. So, the Revenue Division Officer conducted enquiry and he also opined that the deceased committed suicide by jumping in front of the train and he did not commit suicide because of the pressure made by the College Administration, over payment of fees.

15. A perusal of the entire CD file, shows that investigation was not undertaken in a haphazard biased or irregular or defective manner, but, a fair investigation appears to have been conducted. So, I find absolutely no reason to suspect the honesty of the Investigating Officer finding that it is not an offence under Section 306 I.P.C. It was also quashed by this Court. The factual aspects cannot be raised once again for re-investigation. Absolutely this Court finds no reason for ordering re-investigating in this matter. Not even *prima facie* material is available to show that it is a case of murder. A small mistake that has been committed by the Officer, during the course of investigation is not sufficient enough to order for re-



investigation. No, doubt train which hit the deceased has not been identified. It could have been easily identified by the Investigating Officer. But, even that has not been identified, it has no effect upon the final conclusion. So, unless a strong fact has been made out, re-investigation cannot be ordered. I find that there is absolutely no material on record to order for re-investigation. I find no merit in this petition. This Criminal Original Petition deserves to be dismissed and accordingly the same is dismissed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

Ls

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 District & Sessions Judge,  
The Special Court PC Act Cases,  
Sivagangai.
- 2.The Deputy Superintendent of Police  
Railway Track Police Sub Division,  
Madurai.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate ( SR-30394[F] dated 27/09/2021 )

Crl.O.P. (MD)No.15391 of 2020  
23.09.2021

RK/SKN(18/11/2021) 6P 5C