



WEB COPY



W.P. No.31965 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.31965 of 2013 and
M.P.Nos.1 & 2 of 2013

S.Saradha

... Petitioner

Vs

- 1.The State of Tamil Nadu,
By its Chief Secretary,
Fort St.George, Chennai.
- 2.The State of Tamil Nadu,
By its Secretary,
Home Department,
Fort St.George, Chennai.
- 3.The Additional Director General of Police (Prisons),
CMDA Tower – II, No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 4.The Jail Superintendent,
Gobichettipalayam Sub-Jail,
Gobichettipalayam,
Erode District.
- 5.The Inspector of Police,
Gobi Police Station,
Gobichettipalayam, Erode District.



W.P. No.31965 of 2013

WEB COPY

6.The Inspector of Police,
Kadathur Police Station,
Kadathur, Erode District.

7.The Judicial Magistrate – I,
Gobichettipalayam Combined Court Campus,
Gobichettipalayam, Erode District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to pay the compensation of Rs.15 Lakhs to the petitioner's family.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.P.Rajarajeswaro
Government Advocate
for R1 to R6

ORDER

This writ petition has been filed for a mandamus to direct the respondents to pay a sum of Rs.15 Lakhs as compensation to the petitioner on account of the death of the petitioner's son on 13.05.2012 at 06.00 am.

2.It appears that the petitioner's son was arrested on 12.05.2012 and produced before the Judicial Magistrate – II, Gobichettipalayam to remanded him to judicial custody for a period of 15 years. The petitioner's son namely



W.P. No.31965 of 2013

WEB COPY 3. The final opinion however states as follows:-

“In view of negative chemical analysis report, no definite autopsy findings as to cause of death, no definite opinion could be given regarding cause of death. However, the death due to any unperceivable natural cause if suggested.”

4. The specific case of the petitioner is that the petitioner's son was assaulted and was physically tortured which resulted in death of the petitioner's son on 13.05.2012. It is also submitted that petitioner is entitled for appropriate compensation.

5. The respondents on the other hand would submit that the Doctor who examined the petitioner's son had categorically stated that there was no sign of any physical ailments at the time of examination. The petitioner's son appears to have shivering and was habituated to alcohol. In this connection, a reference was made to statement recorded before the Judicial Magistrate to the Doctor on 13.05.2012. It is further submitted that the final report also suggested “death due to any unperceivable natural cause if suggested” and therefore the writ petition is devoid of merits.



W.P. No.31965 of 2013

6.The respondents has also referred to the report of the enquiry officer namely District Munsif-cum-Judicial Magistrate, Perundurai, wherein, it has been categorically stated that there was no external injuries found in the body of the deceased/Vadivel and the Doctor who conducted Post-Mortem was also categorically stated that he was not found any contusion or injuries in the inner part of the body of the deceased Vadivel and therefore there was no cause of any hindrance or harassment.

7.The deceased who was remanded to Judicial Custody was aged about 34 years and was found death on the next date at 06.00 am. The final report has given a clean chit to the officers. Therefore, no case is made out for any relief as the petitioner has raised several disputed question of fact, which cannot be decided in this proceeding. In my view, the issue can be decided by the State Human Rights Commission. It is factor to be considered how a person could have been remanded to Judicial Custody, if he was to be found dead on the next morning. He should have been sent for treatment if his health was not good. Therefore, this writ petition is closed with liberty to the petitioner to file an appropriate application before the State Human Rights Commission for awarding appropriate compensation to the petitioner.



W.P. No.31965 of 2013

WEB COPY 8. This writ petition stands closed with the above observations. No costs.

Consequently, connected miscellaneous petitions are closed.

19.10.2022

Index: Yes/ No

Internet : Yes/No

jas

To

1. The State of Tamil Nadu,
By its Chief Secretary,
Fort St. George, Chennai.
2. The State of Tamil Nadu,
By its Secretary,
Home Department,
Fort St. George, Chennai.
3. The Additional Director General of Police (Prisons),
CMDA Tower – II, No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
4. The Jail Superintendent,
Gobichettipalayam Sub-Jail,
Gobichettipalayam,
Erode District.
5. The Inspector of Police,
Gobi Police Station,
Gobichettipalayam, Erode District.



W.P. No.31965 of 2013

6.The Inspector of Police,
Kadathur Police Station,
Kadathur, Erode District.

7.The Judicial Magistrate – I,
Gobichettipalayam Combined Court Campus,
Gobichettipalaym, Erode District.



WEB COPY



W.P. No.31965 of 2013

C. SARAVANAN, J.

jas

W.P.No.31965 of 2013 and
M.P.Nos.1 & 2 of 2013

19.10.2022