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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11738 OF 2022

AND

CRL.M.P.NO.6684 OF 2022

A.Chandran

... Petitioner

Vs.

1. State rep by,
Deputy Superintendent of Police,
CBCID - OCU,
Salem District.

2. Sakthivel

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Cr.No.1 of 2022 U/s. 176 Cr.P.C @ 323, 342, 304 of IPC and 3(1) (R), 3(1) (s), 3(2) (v), 3(2) (vii), of SC/ST (POA) Act 1989, pending investigation on the file of the 1st respondent police pending disposal of the above criminal original petition to quash the FIR.

For Petitioner : Mr.C.Emalias

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1

O R D E R

The Criminal Original Petition has been filed to call for the records in Cr.No.1 of 2022 U/s. 176 Cr.P.C @ 323, 342, 304 of IPC and 3(1) (R), 3(1) (s), 3(2) (v), 3(2) (vii), of SC/ST (POA) Act 1989, pending investigation on the file of the 1st respondent police pending disposal of the above criminal original petition to quash the FIR.



2. It is a case of custodial death of one Prabhakaran who was remanded in judicial custody in Sub-Jail Namakkal. The complaint has been lodged by the second respondent herein against the petitioner/accused Sub Inspector of Police, Sendamangalam Police Station, Namakkal. It is averred in the petition that the petitioner along with one Poongodi SI of Police Puthuchathram Police Station Namakkal district and Kuzhanthaivel Grade - I, Thiruchengode rural PS Namakkal District had gone to Karuppur, Omalur Taluk, Salem District on 08.01.2022 at 3:30 p.m. and taken Prabhakaran and his wife Hamsala from their residence at Karuppur. It is further averred that the said Prabhakaran was arrested on 11.01.2022 at 8:45 a.m. and produced before the Government Doctor at Namakkal Government Medical College Hospital at 9:25 a.m. for medical check-up and then produced before the Judicial Magistrate, Sendamangalam at 11:45 a.m. on the very same day ie., on 11.01.2022. Since the Judicial Magistrate ordered to remand the said Prabhakaran in judicial custody he was lodged in the Sub Jail Namakkal at 3:30 p.m. on 11.01. While Prabhakaran was in Sub Jail Namakkal, he felt Chest pain on 12.01.2022 in the morning and he was taken to Government Medical College Hospital, Namakkal and from there referred to Mohan Kumara Mangalam Government Medical College Hospital, Salem. During the treatment he died due to Cardiac arrest at 23:45 hrs on 12.01.2022.

3. The learned counsel for the petitioner submitted that the petitioner was never present at the place of occurrence and the entire allegation is for the purpose of compensation and at the relevant point of time he was in another place to secure A1. He further submitted that the petitioner has documents in the form of call details. Therefore documents also to be properly considered by the Investigating Agency while filing final report. The deceased is a Christian Aathidravidar and the provisions of SC/ST Act does not attract in this case.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5. Taking note of the above submissions, this Court is not inclined to entertain this petition but however directs the Investigating Agency to conduct a fair investigation by collecting all the materials pointed out by the learned counsel for the petitioner and file a final report as per law.



6. With the above observation the criminal original petition is disposed of. Consequently connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Deputy Superintendent of Police,
CBCID - OCU,
Salem District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to M/s.C.Emalias, Advocate, S.R.No.33759

CRL.O.P.No.11738 of 2022
and CRL.M.P.No.6684 of 2022

PMK(CO)
RLP(27/06/2022)