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W.M.P.No.27221 of 2022

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in

W.P.No.18455 of 2022

N. SATHISH KUMAR, J.

This application is filed to modify certain directions issued by this Court while dealing with the W.P.No.18455 of 2022. In Para 5, this Court considering the sensitiveness involved in that particular case directed that whenever any such unnatural death is reported in educational institutions, in respect of any student, investigation has to be conducted by the CBCID and the postmortem should be conducted with a team of three Doctors and postmortem should be videographed. Besides, this Court also directed that Education Department should conduct proper enquiry thereafter the Police to resort arrest of persons. Only seeking a direction to modification of tow directions handing over all the cases to CBCID and to resort the arrest after enquiry by the Education Department. Such modification has sought by the AIG, L&O, DGP Office.

2. Learned Public Prosecutor Mr.Hasan Mohamed Jinnah, would submit that after this order 18.07.2022, there are 11 cases reported with regard to the suicide of the students and all the cases have been handed over to the



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CBCID. It is further contention that upto September 2022 there are 31 deaths in Schools and Colleges. According to him as all these cases are relating to suicide, CBCID is burden with huge task, since CBCID is a special investigating agency, it has been constituted to probe the other heinous crimes. Therefore, it is his contention that as far as the regular investigation by the CBCID in respect of the unnatural death may be dispensed with and regular Police may conduct the investigation. However, taking note of the sensitiveness of the particular case, the DGP will decide as to whether the matter is required to be investigated by the CBCID or not. Hence, seeks modification of the order.

3. This Court while dealing with the sensitive issue with regard to the death of the girl has passed such an order considering the nature of violence erupted in the State of Tamil Nadu. Taking note of the fact even till September 2022 there are 31 cases are reported relating to the death of students in the Schools and Colleges the contention of the Public Prosecutor is well founded. If all the case if handled by the CBCID, they may not be in a position to handle other crimes which have impact on the society at large.

4. In such view of the matter, the direction to conduct the



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investigation in respect of alleged deaths of school children and college students is modified to the effect that the concerned jurisdictional Police may conduct investigation. It is well open to the DGP to entrust any matter even the death of the student taking into consideration of the sensitiveness of the particular case to the CBCID. With regard to the other directions that arrest would be resorted only after Education Department enquiry is modified to the effect that the Police may resort arrest according to the facts and circumstances of the particular case. With regard to the other directions that team of three doctors to conduct post mortem shall continue to operate and the same to be videographed. Similarly the direction to the Education Department to conduct enquiry also to operate in all the cases with regard to the deaths occurring in educational institutions.

With the above discussions, the order dated 18.07.2022 is modified. Accordingly, this application is ordered. Post the matter before the concerned Portfolio Judge.

19.10.2022

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