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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.02.2022

Pronounced on : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP. (MD)No.4695 of 2021

and

WMP (MD) Nos.3801 & 3803 of 2021

Nagajothi

... Petitioner

Vs.

- 1.The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Director General of Police,
DGP Office, Mylapore,
Dr.Radhakrishnan Salai,
Chennai - 600 005.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Commissioner of Police,
Madurai City, Madurai.
- 5.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of
Police,
Tallakulam, Madurai City, Madurai.
- 6.The Inspector of Police,
Rajathani Police Station,
Theni District.
- 7.The Inspector of Police,
C-5, Karimedu Police Station,
Madurai City, Madurai.
(Crime No.584 of 2017)
- 8.The Additional Director General of Police,
Office of the Additional Director General of Police [A.D.G.P]
Crime Branch Crime Investigation
Department (CBCID),
No.220, Pantheon Road, Egmore,
Chennai - 8.



9. The Member Secretary,
District Legal Services Authority,
District Court Campus,
Madurai - 625 020.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to entrust the investigation from the fifth respondent to the eight respondent in Crime No.584 of 2017 on the file of the fifth respondent for a fair and impartial investigation and direct the eight respondent to file periodic reports to this Court on the progress made in the investigation.

For Petitioner	: Mr. Henri Tiphagne
For Respondents	: Mr. T. Senthil Kumar Additional Public Prosecutor

ORDER

The wife of the deceased under-trial has filed this writ petition seeking transfer of investigation. The petitioner's husband Karuppasamy was arrested in connection with Crime No.338 of 2017 on the file of the Rajathani Police Station, Theni District. The petitioner's husband was remanded to judicial custody and he was housed in Madurai Central Prison. While so, he died on 23.07.2017 in prison. A specific allegation was made that the petitioner's husband's death was unnatural and that it was on account of the torture meted out by the police and the prison officials. In this regard, Crime No.584 of 2017 was registered on the file of the Karimedu Police Station. It was later transferred to Tallakulam Police Station and an Assistant Commissioner of Police was appointed as the investigation officer. Even though the occurrence had taken place almost five years ago, till date, final report has not been filed. The petitioner had earlier filed WP(MD)No.19678 of 2017 and by a detailed order dated 19.06.2018, certain directions were issued. It is truly unfortunate that till date final report has not been filed. That necessitated the filing of this writ petition.

2. When a positive direction has been given in WP(MD)No.19678 of 2017 that a fair and proper investigation must be conducted, it goes without saying that the final report ought to have been filed long ago. Till date, such a final report has not been filed. I direct the fifth respondent to file the final report within a period of sixty days from today. The fourth respondent is directed to ensure that the fifth respondent files the final report within sixty days from today. It is seen that the petitioner belongs to Schedule Caste community. The first respondent may consider the possibility of awarding compensation to the petitioner under the provisions of the SC/ST Act.

<https://hcservices.ecourts.gov.in/hcservices/>



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3.The writ petition is disposed of. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

18/04/2022

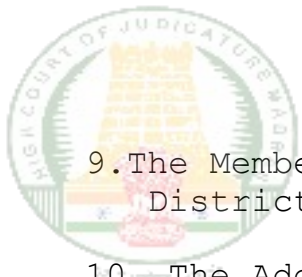
Sub Assistant Registrar(CS)

skm

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 Home Secretary, Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Director General of Police, DGP Office, Mylapore,
Dr.Radhakrishnan Salai, Chennai - 600 005.
- 3.The Superintendent, Central Prison, Madurai.
- 4.The Commissioner of Police, Madurai City, Madurai.
- 5.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam, Madurai City, Madurai.
- 6.The Inspector of Police,
Rajathani Police Station, Theni District.
- 7.The Inspector of Police, C-5, Karimedu Police Station,
Madurai City, Madurai.
- 8.The Additional Director General of Police,
Office of the Additional Director General of Police [A.D.G.P]
Crime Branch Crime Investigation Department (CBCID),
No.220, Pantheon Road, Egmore, Chennai - 8.



9. The Member Secretary, District Legal Services Authority,
District Court Campus, Madurai - 625 020.

10. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-19135[F] dated 18/04/2022
)

W.P. (MD) No. 4695 of 2021
18.04.2022

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