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W.P.No.13899 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.S.Vijayashankar
Co-Convenor
Campaign for Custodial Justice and Abolition of Torture,
No.54, LDG Road, Little Mount,
Saidapet, Chennai-600 015.

2.Murugan

3.M.Parvathy

.. Petitioners

(Petitioner Nos.2 and 3 impleaded (legal heirs
of deceased Vinoth Kumar) as per the order
dated 14.9.2016 in WMP.No.27878 of 2016)

Vs

1.The State of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Chennai-9.

2.The State of Tamil Nadu,
rep. by its Home Secretary,
Fort St. George, Chennai-9.



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3.The Additional Director General of Police (Prisons)

C.M.D.A. Tower-II,
No.1, Gandhi Main Road,
Egmore, Chennai-8.

4.The Deputy Inspector General of Prison,
Coimbatore Range, Coimbatore.

5.P.Arunachalam,
Superintendent,
Borstal School,
Pollachi, Coimbatore.

6.The Superintendent of Police,
Office of Superintendent of Police,
Coimbatore.

7.Krishnan,
Head Warden,
Borstal School,
Pollachi, Coimbatore.

8.The Inspector of Police,
Madhukarra Police Station,
Coimbatore,
Pollachi, Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to pay compensation of Rs.Ten Lakhs (Rs.10,00,000/-) to legal heirs of deceased Vinothkumar who died while under the custody of 5th and 7th respondents in Borstal School, Pollachi.



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For the Petitioners : No Appearance

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for respondent Nos.1 to 4
and 6

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

None appears for the petitioners. Heard Mr.K.Karthik Jegannath, learned Government Advocate for respondents 1 to 4 and 6.

2. The present writ petition is filed in the year 2016 seeking directions against the respondents to pay compensation of Rs.10 lakh to the legal heirs of the deceased Vinothkumar, who died while under the custody of respondents 5 and 7 in the Borstal School, Pollachi.

3. Learned Government Advocate had placed on record



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G.O.(Ms.) No.669, dated 30.10.2023, thereby sanctioning compensation of Rs.3 lakh to be payable to the next of kin of the deceased Vinothkumar. Paragraphs 3 to 6, 9 and 10 of the government order read thus:

"3. The Judicial Magistrate Court-I, Pollachi has conducted an inquest and enquiry under Code 176(1A) of Cr.PC. into the death of Thiru M.Vinothkumar and concluded that the deceased did not die due to any physical custodial violence by the jail authorities and he died due to chronic ulcer and its subsequent development of peritonitis due to duodenal perforation and further stated that though there was no physical custodial violence against the deceased Thiru M.Vinothkumar, the act of jail authorities such as failure to give timely medical treatment, forcible labour, administering wrong drugs come within the purview of violence against the inmate in the prison.

4. In the G.O. 1st read above the Government have ordered to initiate departmental action against the erred Jail authorities i.e., the Superintendent Thiru Arunachalam, Chief Head warden Thiru Krishnan and another Warden Thiru Murugesan for their negligence



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and callous attitude based on the report of Judicial Magistrate Court-1, Pollachi, Coimbatore District. The Government have also reviewed the Punishment Roll files and accepted the punishment awarded by the punishing Authority i.e., Superintendent of Prisons, Coimbatore as adequate.

5. In the order 4th read above, the Hon'ble High Court of Madras, has ordered to take a decision to award compensation to the victim's family.

6. The Government after careful examination hereby issue orders to sanction a compensation relief of Rs.3 lakh to the Next of Kin of the deceased Thiru M.Vinothkumar as per the Policy decision of Government of Tamil Nadu framed in Government Order third read above.

...

9. The District Collector, Coimbatore District is authorized to draw the amount of Rs.3,00,000/- (Rupees Three Lakh only) sanctioned in para 8 above and disburse the same to the Next of Kin of the deceased Thiru M.Vinothkumar after due identification and also requested to send a compliance report (in English) and proof of payment



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(in English) to the Government, within 10 days from the date of the receipt of this Government Order, so as to enable the Government to submit a detailed compliance report to the Hon'ble High Court of Madras.

10. The District Treasury Officer, Coimbatore District is instructed to admit and honour the bill for the amount sanctioned in paragraph 6 above immediately on presentation, if it is found correct."

4. It is observed by the Magistrate that the death of the deceased Vinothkumar was not on account of physical custodial violence. It appears that some wrong drugs were administered.

5. It is submitted that the FIR filed resulted in closure as no offence was made out.

6. In view of the above, the writ petition is disposed of. In case the next of kins of the deceased Vinothkumar are not satisfied with the amount of compensation paid, they are at liberty to take



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appropriate steps before the competent forum. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

06.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

- 1.The Chief Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai-9.
- 2.The Home Secretary,
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Fort St. George, Chennai-9.
- 3.The Additional Director General of Police (Prisons)
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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