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Crl.A.No.1154 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1154 of 2022

and

Crl.M.P.No.16585 of 2022

Arusamy .. Appellant/Accused

Vs.

State Rep by its,
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(Crime No.10/2017)

... Respondent

Appeal filed under Section 374(2) of Criminal Procedure Code praying to call for the records of the case in Special Calendar Case No.7/2018 dated 09.12.2019 on the file of Sessions Judge, Mahila Court, Mahalir Neethimandram, Coimbatore and set aside the conviction and sentence passed against the appellant and he be acquitted .



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CrI.A.No.1154 of 2022

For Appellant : Ms.S.Tamilarasi

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

J U D G M E N T

[Judgment of the Court was made by M.SUNDAR, J.,]

Ms.S.Tamilarasi, learned counsel on record for lone appellant and Mr.E.Raj Thilak, learned State Additional Public Prosecutor for the respondent are before us.

2. We are informed by learned counsel for appellant that the captioned matter was referred to her through Legal Services Authority (Legal Aid). Learned counsel submits on instructions that the lone appellant is no more and that the date of demise is 27.12.2022.

3. Affirming the submission, learned counsel has placed before us a hard copy of electronic mail from the Superintendent of Prison, Central



CrI.A.No.1154 of 2022

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Prison, Coimbatore together with an attached hard copy of wireless message.

A scanned reproduction of the same are as follows:





CrI.A.No.1154 of 2022

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Fax Message / Wireless Message

To: The Principal Secretary to Government, Public Department (Law & order)
Secretariat, Chennai.9
The Principal Secretary to Government, Home Department, Secretariat, Chennai.9
The Director General of Police/Director General of Prisons and Correctional Services,
Chennai.

- Inform: 1. The Secretary General, National Human Rights Commission,
Sardar Patel Bhavan, Samrad Marg, New Delhi 110001
2. The Senior Superintendent of Police, National Human Rights Commission,
Faridkot House, Copernicus Marg, New Delhi 110 001.
3. The Registrar, State Human Rights Commission, "Thiruvarangam" 143, P.S.
Kumarasamy Raja Salai, (Greenways Road), Chennai 600 028.
4. The Senior P.A., to Hon'ble Minister for Law Courts and Prisons, Secretariat.
5. The District Collector and District Magistrate, Coimbatore.
6. The Commissioner of Police, Coimbatore City, Coimbatore.
7. The Deputy Inspector General of Prisons, Coimbatore Range, Coimbatore
8. The Chief Judicial Magistrate, Coimbatore
9. Sessions Judge, Magalir Neethimandram, (Mahila court) Coimbatore
10. The Inspector of Police, All Women Police Station, Pollachi.

From: The Superintendent of Prisons, Central Prison, Coimbatore.

I submit that one Aruchamy S/o. Lakshmanan Nadar aged 60 years, a resident of No. 1/4 A, Kallipatti, kondea goundampalayam, Negamam, Pollachi, Coimbatore District concerned in Pollachi AWPS Cr.No.10/2017 was convicted and sentenced to Undergo Imprisonment for life which shall mean imprisonment for the remainder of his natural life and to pay of fine of Rs.1000/- i/d. R.I. for 1 Year for the offence committed u/s, 5(i) 5(j) (ii) r/w 6 of POCSO Act, and sentenced to undergo 2 Years and Fine Rs.500/- i/d R.I. for 6 months for the offence committed u/s.506(i) IPC (All the sentences to run concurrently) in S.C.No. 07/2018 on the file of Magalir Neethimandram, (Mahila court) Coimbatore on 09.12.2019 and admitted in this Prison on the same day.

2) From the date of admission in this Prison, he was kept at Prison Hospital I.V. Block as he already had fracture injury and unable to walk. He had sudden complaints of breathlessness today(27.12.2022) morning at 07.00 hours, patient was conscious but sluggish response for oral commands, his BP was 146/68 mmhg, Pulse 68 SPO₂ - 88% and he was a known case of D12 fracture patient, bedridden for recent days with bed sores. Immediately, he was sent to Coimbatore Medical College Hospital for emergency



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CrI.A.No.1154 of 2022

medical treatment and further management at 07.30 hours as per the recommendation of the Prison doctor under Prison warder escort through Prison ambulance and admitted there as inpatient.

3) Meanwhile, a message has been received from the Coimbatore Medical College Hospital, Coimbatore today (27.12.2022) at 14.00 hours stating that the above Life Convict No. 22464 Aruchamy S/o. Lakshmanan Nadar expired on 27.12.2022 at about 11.30 a.m owing to metabolic Encephalopathy Hypoglycemia/Septic shock Grade II Bed sores, SHT, Traumatic, paraplegia, Foresmyelopathy without responding to the medical treatment provided. The death message was also conveyed to his son Tr. Iyyappan through Telephone message from this prison.

4) The Judicial Magistrate No. III, Coimbatore has been requested to conduct the inquest on the death of the above said prisoner and also the fact informed to the Chief Judicial Magistrate, Coimbatore.

Detailed report follows.

No.22464 /R3/2022	Office of the Superintendent of prisons, Central Prison, Coimbatore -18 Dated: 27.12.2022
	 Superintendent of Prison, Central Prison, Coimbatore 18.

24/12/22

4. The above speaks for itself.



CrI.A.No.1154 of 2022

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5. In the light of the narrative thus far, the captioned appeal under

Section 374 (2) of 'Criminal Procedure Code' ['Cr.P.C.' for brevity] abates.

6. Captioned Criminal Appeal is disposed of as abated.

Consequently, connected miscellaneous petition is closed.

(M.S.,J.) (M.N.K.,J.)

13.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

rsi

To

1.The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.



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and
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