



W.P.(MD)No.7330 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7330 of 2022

and

WMP(MD)No.5558 & 5560 of 2022

K.Illangeshwari

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Home (Prison) Department,
Chief Secretariat, St. George Fort,
Chennai-600 990.
- 2.The Director-General of Police,
Office of the Director-General of Police,
Head of Police Force, Govt.of Tamil Nadu,
Mylaport, Chennai-600 004.
- 3.The Director-General of Police/
Director-General of Prisons and Correctional Services,
No.6, Whannels Road, Egmore,
Chennai-600 008.
- 4.The Additional Director General of Police,
Crime Branch Crime Investigation Department (C.B.C.I.D),
No.220, Pantheon Road, Egmore,
Chennai-600 008.
- 5.The District Collector-Sivagangai,
Office of the District Collector,
Collectorate, Sivagangai-630 562.
- 6.The Superintendent of Police-Sivagangai,
Office of the Superintendent of Police,



W.P.(MD)No.7330 of 2022

Manamadurai-Thanjavur Road,
Sivagangai – 630 562.

WEB COPY

7.The Deputy Inspector General of Prisons,
Office of the Deputy Inspector General of Prisons,
Madurai Range, A.A.Road, Arasaradi,
Madurai – 625 016.

8.The Superintendent of Open Prison,
Perusadiudaippu, Kalaiyarkoil Taluk,
Sivagangai – 630 551.

9.The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 3 to entrust the investigation of this case to the fourth respondent for a fair and impartial investigation registered in Crime No.68 of 2022 on the file of the ninth respondent and to ensure justice for the unnatural, suspicious death of my husband Karuppasamy, a life convict confined at Open Air Prison-Purusadi Udaippu, Sivagangai, and initiate criminal actions against all those errant prison officers, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.Henri Tiphagne

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The Writ Petition has been filed to direct the respondents 1 to 3 to entrust the investigation of this case to the fourth respondent for a fair and impartial investigation registered in Crime No.68 of 2022 on the file of the ninth



W.P.(MD)No.7330 of 2022

respondent and to ensure justice for the unnatural, suspicious death of my husband Karuppasamy, a life convict confined at Open Air Prison-Purusadi Udaippu, Sivagangai, and initiate criminal actions against all those errant prison officers, in accordance with law within the time stipulated by this Court.

2.The case of the prosecution is that the petitioner is the wife of the deceased. The deceased lost his life while he was in prison. There are 2 versions are available. As per the police version, the petitioner's husband died due to electrocute while he was climbing in the electrical post inside the prison. The petitioner's version is that due to unbearable torture and caste-based discrimination by the authorities of the prison, he hanging himself in a tree. Thereby, the petitioner lodged a complaint before the Law Enforcing Agency and the same was registered in Crime No.68 of 2022 for the offence under Section 176 of Cr.P.C., and the investigation is conducted by the ninth respondent. Aggrieved against the same, the petitioner filed this petition with the above said prayer.

3.The learned counsel for the petitioner would submit that this Court may issue a direction to appoint a particular Investigating Agency and transfer the case in Crime No.68 of 2022 from the ninth respondent to the any other



W.P.(MD)No.7330 of 2022

investigating agency and may direct the higher officials to monitor the investigation. Further, this Court may issue a direction to the Prison Authority, Open-Air Prison, Purusadi Udaippu, Sivagangai District, to forward the entire CCTV footage dated 21.03.2022 and 22.03.2022 to the Investigating Agency to conduct investigation with regard to the death of the petitioner's husband and further, this Court may grant liberty to the petitioner to make appropriate claim before the District Legal Service Authority for claiming compensation under the Victims Compensation Scheme, 2018, and pass appropriate orders.

4.The learned Additional Public Prosecutor appearing for the State has no serious objection.

5. Considering the fair submissions made by the learned counsel for the petitioner, this Court is inclined to consider the same.

6.The learned Additional Public Prosecutor would submit that though the case was registered by the ninth respondent, the investigation has to be conducted only by the Deputy Superintendent of Police, Sivagangai Town, Sub-Division, Sivagangai District.



W.P.(MD)No.7330 of 2022

7. In view of the above, the ninth respondent is directed to hand over the entire investigation file to Mr. Cibi Sai Soundariyan, the Deputy Superintendent of Police, Sivagangai Town, Sub-Division, Sivagangai District and the Superintendent of Police, Sivagangai District, is directed to monitor the investigation conducted by the Deputy Superintendent of Police, Sivagangai Town, Sub-Division, Sivagangai District.

8. Further, liberty is granted to the petitioner to make proper claim before the District Legal Service Authority under the Victims Compensation Scheme, 2018, within a period of two weeks. If such a claim petition is filed by the petitioner, the District Legal Service Authority is directed to consider the same and pass appropriate orders within a period of 12 weeks thereafter.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

08.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss



W.P.(MD)No.7330 of 2022

WEB COPY

To

- 1.The Additional Chief Secretary,
Home (Prison) Department,
Chief Secretariat, St. George Fort,
Chennai-600 990.
- 2.The Director-General of Police,
Office of the Director-General of Police,
Head of Police Force, Govt.of Tamil Nadu,
Mylaport, Chennai-600 004.
- 3.The Director-General of Police/
Director-General of Prisons and Correctional Services,
No.6, Whannels Road, Egmore,
Chennai-600 008.
- 4.The Additional Director General of Police,
Crime Branch Crime Investigation Department (C.B.C.I.D),
No.220, Pantheon Road, Egmore,
Chennai-600 008.
- 5.The District Collector-Sivagangai,
Office of the District Collector,
Collectorate, Sivagangai-630 562.
- 6.The Superintendent of Police-Sivagangai,
Office of the Superintendent of Police,
Manamadurai-Thanjavur Road,
Sivagangai – 630 562.
- 7.The Deputy Inspector General of Prisons,
Office of the Deputy Inspector General of Prisons,
Madurai Range, A.A.Road, Arasaradi,
Madurai – 625 016.



W.P.(MD)No.7330 of 2022

8.The Superintendent of Open Prison,
Perusadiudaippu, Kalaiyarkoil Taluk,
Sivagangai – 630 551.

9.The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.

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



WEB COPY



W.P.(MD)No.7330 of 2022

M.DHANDAPANI, J.

dss

W.P.(MD)No.7330 of 2022

and

WMP(MD)No.5558 & 5560 of 2022

08.02.2024