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W.P.(MD)No.2600 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.2600 of 2025

Mariam

Vs.

... Petitioner

- 1.The Inspector General of Police-CBCID,
Crime Branch -Criminal Investigation Department (CBCID),
No.220, Pantheon Road, Egmore,
Chennai 600 008.
- 2.The District Collector,
Office of the District Collector,
Pudukkottai District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.
- 4.The Inspector of Police,
Pudukkottai CBCID Police Station,
Pudukkottai District.
- 5.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 6.The Dean,
Government Medical College and Hospital,
Thanjavur Road,
Pudukkottai District-622 004.



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7. The Chief Medical Officer,
Government Hospital Thirumayam,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, directing the respondents to exhume the body of Mr.Jagabar Ali, for a re-postmortem examination, including a proper forensic department comprising a team of atleast two professors holding at least the rank of Professor with fresh X-rays and CT Scan accompanied by an independent forensic medicine expert nominated by the petitioner to witness the procedure with the entire procedure being videographed and copies of the postmortem report and the videograph being handed over on the same day of the postmortem examination to the petitioner or her representatives.

For Petitioner : Mr.Henri Patrick Tiphange

For R1, R3 to R5 : Mr.Hassan Mohammed Jinnah
State PP
assisted by
Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2, R6 and R7 : Mr.M.Muthumanikkam
Government Advocate (civil side)

ORDER

The petitioner/ wife of deceased Jagabar Ali filed this writ petition seeking for fresh X-rays and CT scan to be taken on the buried body of



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her deceased husband after exhumation. The contention of the petitioner is that the petitioner's husband, namely, Jagabar Ali, who was an Environmental Human Rights Defender (EHRD), brutally murdered on 17.01.2025. Since he consistently fought against illegal quarrying in Thirumayam Taluk, Pudukkottai District, exposed illegal mining activities involving a loss of approximately Rs.840 Crores to the State exchequer. On 17.01.2025, while he was returning from Kattubhava Mosque after prayer, at that time, he was consciously run over by a tipper lorry. The incident was orchestrated to appear as a road accident, but it was in fact a premeditated murder. The petitioner's husband was also a functionary of AIADMK political party in Pudukkottai District. He had constantly been receiving death threats ever since he complained about illegal mining activities by RR Crusher, Punitha Arockya Mary Crusher, Eashwar Enterprises, RR M Sand Unit-1, and RR M Sand Unit-2 in the area. The petitioner's husband had given a complaint about illegal mining on 10.01.2025 and also given an interview, which is available in the online, where he openly announced a protest to be held on 17.01.2025. The petitioner's husband given complaint to the Thirumayam Police about threat, which he is facing, but the Inspector of Police, Thirumayam, not acted upon the said complaint, which



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emboldened the offenders to carry out their act. The death of the petitioner's husband was initially registered in Crime No.9 of 2025 by the fifth respondent on 18.01.2025 for the occurrence taken place on 17.01.2025, though it was immediately informed. Thereafter, case under Section 194(1) of BNSS registered following intervention of the local Jamath and others.

2. It is the contention of the petitioner that the body of the petitioner's husband was kept in Thirumayam Government Hospital without any proper facility. Later, the petitioner's family arranged freezer box. On 18.01.2025 at about 04.00 pm., Dr.Nedunkilli M.S., an Assistant Surgeon, with assistance of staff conducted postmortem. The hospital lacks forensic experts and freezer facilities in the mortuary to preserve bodies. Despite the proximity of the Pudukkottai Government Medical College Hospital is located only about 20 kms away, the police not concerned and left the body in the Government Hospital, Thirumayam. The postmortem conducted without proper forensic protocols including X-rays to identify fractures and other injuries as required for a comprehensive autopsy. The postmortem Certificate should have been provided in the NHRC format, which was not followed



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in this case and there is complete violation of the order of this Court in

Arun Swaminathan Vs., The Principal Secretary in W.P(MD).No.78 of 2019 dated 28.09.2020. In this regard, the petitioner had submitted a representation on 27.01.2025 to the first respondent, but no action has been taken. Hence, the present petition. Though in the prayer, it has been requested for fresh X-ray and CT scan accompanied by an independent forensic medicine expert, the learned counsel for the petitioner now restricted his prayer for taking of X-ray alone, but with expert.

3. On the side of the State, it is submitted that in this case, initially there was some laxity in the investigation, due to which, then Inspector of Thirumayam Police Station has been suspended and thereafter, the present Inspector has taken charge. After the present Inspector taken charge, investigation is proceeding in the right direction. There was some shortage of facilities in the Government Hospital at Thirumayam, but it does not affect the conduct of postmortem or maintaining the condition of the body. A qualified Dr.Nedunkilli conducted postmortem. In the hospital, only male members of the deceased family were present. The Doctor informed the relatives of deceased about the availability of postmortem facility in the Government Medical College



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and Hospital, Pudukkottai and the facility in the Government Hospital, Thirumayam. They all agreed that postmortem can be taken in the Government Hospital, Thirumayam itself and thereafter, getting a letter from Mohammed Yasin, S/o.Jagabar Ali, postmortem was conducted on 18.01.2025 at 04.40 pm. Thereafter, the family members taken the body and buried. Now since the deceased is a members of opposition party, some reason are found creating confusion and vested interest people wanted the death to be highlighted and projected against the Government.

4. Further it was submitted that the deceased body is now buried in Bangalore Jamath as per religious rite and custom. The only apprehension of the Additional Public Prosecutor is that by exhuming body and taking X-ray, it should not be projected as there was no proper postmortem conducted earlier and further, no wide publicity creating confusion to the public the manner in which the investigation is proceedings to be made. Mobile X-ray Unit along with power unit will be made available and X-ray can be taken in the grave yard. The learned Additional Public Prosecutor submitted that the sixth respondent/Dean, Government Medical College and Hospital, Pudukkottai, shall make



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necessary arrangement providing equipments, men, technicians as well as doctors, for taking X-ray on the exhumed body of the late Jagabar Ali and the exhumation will be conducted in the presence of investigating officer and Tahsildar, Thirumayam, and one representative from the deceased family is permitted. The entire area to be covered from public view and no photograph to be taken by using mobile phone or by any mode. Videographing the entire process to be done under the supervision of the Doctor and thereafter, copy of the same to be handed over to the investigating officer, for the purpose of investigation. The Dr.Nedunkilli MS from Government Hospital, Thirumayam, will also be present at the time of this exercise.

5. The postmortem report was extracted hereunder:



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Post-mortem Certificate.

Regarding the body of a male aged about 58/25 years, named Jagubay Ali
Requisition received at 4.40 PM on 18/1/25 from the Inspector of Police
at THIRUMAYAM POLICE STATION with his letter No. CH-10-09/2025 U/S 174 (i)
Body in charge of Police Constable No. 2312 named Mr. Jayakumar dated 18/1/25

Identification and caste marks—

- (1) A Black mole Left side lower abdomen
- (2) A Scar Left side cheek
- (3)

The body was first seen by the undersigned at 4.40 PM on 18/1/2025
In condition then was Rigor mortis present in all 4 limbs
Post-mortem commenced at 4.45 PM on 18/1/25
Appearances found at the post-mortem: As follows:-

A MIDDLE AGED ~~MALE~~ BODY LYING IN SUPINE POSITION WITH BOTH UPPER AND LOWER LIMBS EXTENDED. EYES CLOSED, NOSE AND BOTH EARS NORMAL, NO BLEEDING. MOUTH OPEN WITH TONGUE INSIDE MOUTH.

EXTERNAL INJURIES:- (1) ABRASION RIGHT SIDE FACE 10x5cm
(2) GRAZE ABRASION (3) ARM 10x15cm LATERAL ASPECT
(4) DEGLAVING INJURY (5) ARM, FOREARM TILL WRIST EXPOSING MUSCLES, TENDONS WITH MILD BLACKISH BURNED TEXTURE AND SKIN BOTH FOLDS.
(6) TYRE MARK CONUSION PRESENT OVER (7) LEG, (8) THIGH, (9) THIGH, ABDOMEN, (10) ARM. (11) PENIS DEGLAVING INJURY WITH LACERATION OVER SCROTUM 15x15cm x COMMUNICATING INTO PERINEAL CAVITY. BOGS
(12) NEAR TOTAL AMPUTATION (13) KNEE JOINT LEVEL, MANIPULATED KNEE JOINT EXPOSING FEMUR, TIBIA WITH SKIN BOTH FIXES (14) LOWER LIMB ATTITUDE SHORTENED, EXTERNALLY ROTATED WITH FEMORAL HEAD FELT ANTERIORLY

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GRADE ASSASSIN COVERING ENTIRE BACK FRACTURE FROM
CHEST ON OPENING CHEST, (C) SIDE RIBS FRACTURE FROM
SECOND TO EIGHTH RIBS ANTERIOR ASPECT WITH (C) SIDE HEMOTHORAX 33
(C) SIDE RIBS AND LUNGS NORMAL, (C) LUNGS NORMAL. HEART - CLOT PRESS
IN CHAMBERS. ON SECTION BOTH LUNGS SHOWED NORMAL CONSISTENCY
ABDOMEN ON OPENING ABDOMEN, STOMACH YELLOWISH SEMI-SOLID FOOD
STEN ABOUT STOMACH KIDNEY (C) KIDNEY COMPLETELY SHATTERED INTO PIECES
WITH SURROUNDING HEMATOMA SEEN. (C) KIDNEY NORMAL LIVER NORMAL,
SPLEEN - NORMAL. HEMOPNEUMOTHORAX - ABOUT 1000 ML OF FRESH BLOOD AND
IN ABDOMEN CAVITY WITH CRUDED (C) SIDED INTESTINES AND COLON. INTESTIN -
YELLOWISH FACIAL CONTENT FOUND. URINARY BLADDER LACERATED AND FERN
CRANIUM SKULL (N), BRAIN (N), MEDULLA (N), CEREBELLUM (N)
P.M. CONCLUDED AT 5:50 PM, 18/12/25
Opinion as to cause of death - STOMACH, LIVER, INTESTINE, KIDNEY, BLOOD SHOCK SENT FOR ANALYSIS

(a) Reserved pending report of CHEMICAL ANALYSIS

(b) The deceased would appear to have died of HEMORRHAGE DUE TO
TIME OF DEATH - 24-36 HRS BEFORE MULTIORGAN INJURIES
P.M.

Station: THIRUMAYAM

Name: DR. NEDUNKILLI M.J.

Dated: 18/11/2025.

Rank: ASSISTANT SURGEON

(Signature)
Medical Officer
Thirumayam

1. Its appearance
 2. Designation of officer sending requisition
 3. Nature of the officer sending requisition
 4. If the body was seen before post-mortem post-mortem and general condition
 5. State condition of body (i.e.) Aged, old, ripe, young, present, or passed off and state post-mortem condition only when relevant
 6. After "appearance found" enter all particulars regarding wounds, injuries and suspicious marks external or internal, which should be briefly and sufficiently described the site and the extent of a wound being carefully described
 7. The report should be in the form of a certificate which should be signed and sent direct by the medical officer to the Police specified by the Police, and the certificate should be held by the Police
- The certificate should not be filled in until the post-mortem notes have been entered in full in the post-mortem book and should be done at once to obviate the possibility of any delay in the delivery of the certificate to the Police.



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6. Recording submission of the learned counsel for the petitioner and the learned Additional Public Prosecutor, this Writ Petition is allowed and the petitioner's prayer for taking X-ray alone is permitted. The entire process to be completed without any delay. The Deputy Superintendent of Police, Ponamaravathy to oversee the entire process. No costs.

NCC : Yes / No

30.01.2025

Index : Yes / No

Rmk

Note : Issue order copy on 30.01.2025

To

1.The Inspector General of Police-CBCID,
Crime Branch -Criminal Investigation Department (CBCID),
No.220, Pantheon Road, Egmore,
Chennai 600 008.

2.The District Collector,
Office of the District Collector,
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8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
W.P.(MD)No.2600 of 2025

Dated: 30.01.2025