

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Saturday, the Twenty Second day of January Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.1344 of 2022

M.....

... PETITIONER

Vs

1 THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS,
NO.1, RADHAKRISHNAN SALAI,
MYLAPORE, CHENNAI-600004.

2 THE DEPUTY INSPECTOR GENERAL OF POLICE,
TRICHY ZONE, TRICHY.

3 THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.

4 THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.40/2022)

... RESPONDENT

For Petitioner : M/S.M.KARTHIKEYA VENKITACHALAPATHY, Advocate

For Respondent : M/S.T.SENTHILKUMAR,
ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER:-

TO TRANSFER THE INVESTIGATION OF CRIME NO.40/2022 FROM THE FILE
4TH RESPONDENT POLICE TO C.B.C.I.D OR ANY OTHER INDEPENDENT
INVESTIGATING AGENCY UNDER THE SUPERVISION OF R1 AND COMPLETE THE
INVESTIGATION AND FILE FINAL REPORT WITHIN A STIPULATED PERIOD.



ORDER : The Court Made the following order :-

The petitioner's daughter Ms.M.L was studying in Thooya Irudhaya Higher Secondary School at Thirukattupalli. She was staying in the hostel run by the said school. She had allegedly consumed pesticide that was available in the hostel premises on 09.01.2022. The hostel authorities took her for treatment. The petitioner was thereafter informed on 10.01.2022 about his daughter's condition and asked to take her home. The condition of M.L did not improve and she continued to vomit. She was thereafter admitted in Thanjavur Medical College Hospital on 15.01.2022. Intimation was sent to Thirukattupalli Police Station and Thiru.K.Nedunchezian, S.I of Police (Trainee) recorded the child's statement on 16.01.2022 at 09.30 A.M. Based on her statement, Crime No.40 of 2022 was registered on the file of the Thirukattupalli Police Station for the offences under Sections 305, 511 of IPC and Sections 75 and 82(1) of Juvenile Justice (Care and Protection of Children) Act, 2015. In spite of the treatment given to the child, she passed away on 19.01.2022. It appears that before her demise, a statement given by her was allegedly video-recorded. The said video was circulated in the social media also. In the said video, the child is seen alleging that she was asked to convert to Christianity. Following the demise of the child, controversy arose that investigation was not proceeding on the right lines. It is in this background that this Criminal Original Petition came to be filed seeking transfer of investigation.

2.The learned counsel appearing for the petitioner made an emergent mention and that is how, it was taken as the last item Yesterday (21.01.2022). The learned counsel submitted that only a forensic autopsy will reveal the truth. He also stated that the parents of the child and the person, who took the video, are being pressurised and that the conduct of the Superintendent of Police, Thanjavur District is not inspiring any confidence.

3.In view of the said submission made by the learned counsel for the petitioner, I passed the following order Yesterday (21.01.2022) :

"M.... of Vadukapalayam has filed Crl OP(MD) SR No.3264 of 2022 seeking transfer of investigation in Crime No.40 of 2022 registered on the file of the Thirukattupalli Police Station, Thanjavur District. Forensic autopsy to be performed on the deceased L..... and it shall be duly videographed. The learned counsel for the petitioner alleges that the parents of the deceased and the person who took the video of L.... alleging that she was asked to convert to christianity are being pressurised by the police. The respondent police shall conduct themselves appropriately so as not to give rise to such allegations.



2.Registry to list the matter on 24.01.2022.

4.Later, the learned Additional Public Prosecutor contacted the Registry and informed that postmortem had already been performed on the child. The Police wanted to know if the court had ordered a second postmortem to be conducted. Therefore, after getting permission from the Hon'ble Administrative Judge, this Special Sitting is being held.

5.Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the postmortem was done by Dr.Udhaya Banu and Dr.Arul Mathi Kannan, forensic doctors. They are attached to the Thanjavur Medical College Hospital, Thanjavur. Nothing has been brought out to doubt the credibility of the postmortem. I, therefore, requested the petitioner, the father of the child, to receive the body today itself (22.01.2022) so that the final rites can be performed as per their customs without any further delay. The petitioner's father has also agreed to do so.

6.Therefore, I direct the District Collector, Thanjavur to make appropriate arrangements to take the body of the child to the native village of the petitioner. I make it clear that the final rites will be performed in the customary mode and the police shall not interfere with the said performance. The Principal District Judge, Thanjavur is also directed to nominate a Judicial Magistrate for the purpose of recording the statement of the petitioner and his wife under Section 164 of Cr.Pc, tomorrow ie., 23.01.2022. A copy of the said statement shall be made available in a sealed cover for the perusal of this Court by Monday (24.01.2022) at 04.00 P.M. The respondent police are restrained from harassing the person who had taken the video of the child, in which, she is found making an allegation that she was called upon to convert to Christianity. The focus of the police authorities should be on the circumstances that led to the suicide of the child and it cannot be directed against the person who had taken the video. In any event, further orders will be passed by this Court on 24.01.2022.

7.Registry to list the matter on 24.01.2022 at 04.00 P.M.

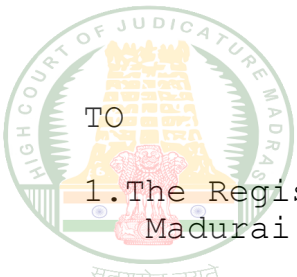
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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<https://www.mhc.tn.gov.in/judis>



TO

- 1.The Registrar (Judicial),
Madurai Bench of the Madras High Court, Madurai.
- 2.The District Collector, Thanjavur District.
- 3.The Principal District Judge, Thanjavur District.
- 4.The Director General of Police, Chennai.
- 5.The Deputy Inspector General of Police, Trichy Zone, Trichy.
- 6.The Superintendent of Police, Thanjavur District.
- 7.The Deputy Superintendent of Police, Vallam Sub Division,
Thanjavur District.
- 8.The Inspector of Police, Thirukattupalli Police Station.
- 9.The Additional Public Prosecutor,
Madurai Bench of the Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.1344 of 2022

Date :22/01/2022

RK(22/01/2021) 4P 11C