

WP NO.13141 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

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CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

W.P.NO.13141 OF 2024

AND

WMP NOS.14284 AND 14289 OF 2024

Anju

... Petitioner

Versus

- 1.The Home Secretary
Office of the Home Secretary
Govt. of Tamil Nadu
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Director General of Police
Office of the Director General of Police
Head of Police Force
Govt. of Tamil Nadu
Dr. Radhakrishnan Salai, Mylapore,
Chennai – 600 004.
- 3.The Director of Medical Education
Directorate of Medical Education
162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.
- 4.The Inspector General of Police

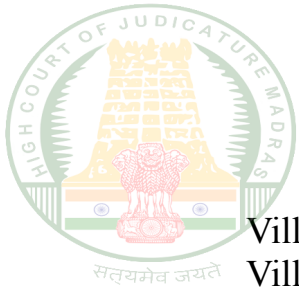
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Office of the Inspector General of Police
North Zone
Chennai – 600 016.

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5. The Deputy Inspector General of Police
Office of the Deputy Inspector General of Police
Villupuram Range,
Villupuram – 605 602.
6. The District Collector
Office of the District Collector
Villupuram – 605 602.
7. The Superintendent of Police
Office of the Superintendent of Police
Villupuram – 605 602.
8. The Dean
Office of the Dean
Villupuram Govt. Medical College Hospital
Villupuram – 605 601.
9. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Villupuram Police Sub Division
Villupuram – 605 602.
10. The Inspector of Police
Villupuram Taluk Police Station
Villupuram – 605 602.
11. The Inspector of Police
Villupuram West Police Station
Villupuram – 605 62.
12. The Joint Director
Medical and Rural Health Service



Villupuram Public Government Hospital
Villupuram.

... Respondents

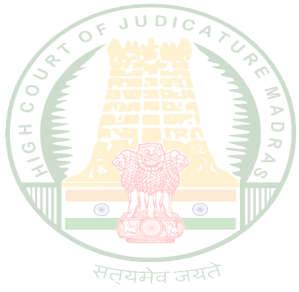
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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent No.6 to exhume the body of Raja, son of Kathavarayan, from K.K.Road Mukti burial ground situated at Villupuram and consequently direct the respondents Nos.3 and 8 to conduct a re-postmortem by a team of two doctors who have Master's degree in Forensic Medicine attached to two different Medical College Hospitals in the State at the 8th respondent hospital adhering to the norms and directions of the Hon'ble High Court in W.P.(MD) No.12608 of 2020 dated 02.12.2020, updated on 28.02.2023 in *Santosh Versus District Collector, Madurai* within a stipulated time that may be fixed by this Court and consequently direct the respondent nos.3 and 8 to provide a copy of the said post mortem certificate along with the copy of the videographs of the said proceedings to the petitioner on the same day that the re-postmortem is conducted and grant such other reliefs.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.S.Udayakumar
2,4,5,7,9,10 & 11 Government Advocate (Crl. Side)

ORDER

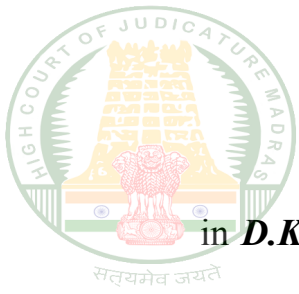


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This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus directing the 6th respondent to exhume the body of Raja, son of Kathavarayan, from K.K.Road Mukti burial ground situated at Villupuram and for consequential direction to the respondent nos.3 and 8 to conduct re-postmortem by a team of two Doctors who have Master's Degree in Forensic Medicine attached to two different Medical College Hospitals in the State at the 8th respondent hospital adhering to the norms and directions of this Court in *Santosh Versus District Collector, Madurai* (W.P.(MD) No.12608 of 2020 dated 02.12.2020, updated on 28.02.2023) and also for a consequential direction to the respondent nos.3 and 8 to provide a copy of the said post-mortem certificate along with a copy of the videographs of the said proceedings to the petitioner on the same day.

Factual Matrix

2. According to the petitioner, petitioner's husband - Raja, aged 43 years was taken into custody by the Sub-Inspector of Police, Villupuram Taluk Police Station on 10.04.2024 at about 09.00 a.m., from his workplace at Thiruppachavadi Medu, Villupuram, without following the guidelines issued



in ***D.K.Basu Vs. State of West Bengal [1997 (1) SCC 416]***. The petitioner's

husband was illegally detained and subjected to custodial torture by the police personnel including the Sub-Inspector of Police, Villupuram Taluk Police Station. Consequently, the petitioner's husband sustained injuries that deteriorated his health. Upon realizing the deteriorated health condition of the petitioner's husband, he was handed over to his employer and was advised to take treatment.

2.1. Post first aid at the Government Primary Health Care Center, the petitioner was referred to Government Medical College Hospital, Villupuram at 11.30 a.m. on the same day *i.e.*, 10.04.2024. Thereafter, petitioner's husband was brought home by his colleague - Vinoth at 12.00 noon on the same day. At that time, petitioner's husband informed the petitioner that he was subjected to custodial torture by 4 police personnel including the Sub Inspector by using *lathis* and by kicking and stamping him while wearing boots. The petitioner observed visible marks and injuries on his face and chest. He was crying in pain. The petitioner rushed him to the nearby Government Public Hospital, Villupuram where the petitioner's husband was

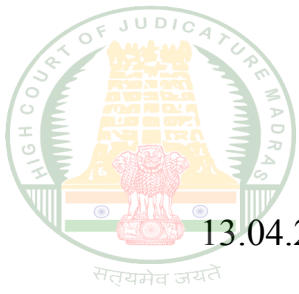


declared 'brought dead' at 01.30 p.m. on the same day *i.e.*, 10.04.2024.

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2.2. Thereafter, the death was intimated to the Villupuram West Police Station. Petitioner and her family members were not permitted to see the deceased's body. Ten police personnel from Villupuram West Police Station took the petitioner to Villupuram West Police Station and obtained her signatures in blank papers. Then, the deceased's body was taken to Government Medical College Hospital, Villupuram for autopsy. Postmortem was conducted within 30 minutes and the body was handed over, in a hasty manner. Police personnel pressurized not to bury but cremate the body. However, as per the petitioner's customary practice, the deceased's body was buried on 11.04.2024 at Mukti Burial Ground situated at KK Road, Villupuram. As they returned home, police personnel came home and pressurized them to exhume and cremate her husband's body.

2.3. Subsequently, Villupuram Taluk Police registered a case under Section 174 of Cr.P.C. in Crime No.232 of 2024. Then, the petitioner preferred complaints to the Superintendent of Police, Villupuram, one on



13.04.2024 and another on 21.04.2024, requesting him to sanction and conduct re-postmortem examination. However, no action was taken in this regard. Therefore, the petitioner has come up with this Writ Petition.

3.The seventh respondent–Superintendent of Police, Villupuram filed counter affidavit on his behalf and on behalf of Respondent Nos.2, 4, 5, and 9 to 11 wherein they denied the allegations contained in the writ petition.

3.1.It is stated in the counter affidavit that on 10.04.2024 at around 09.30 a.m., when Mr.S.Arumugam, Inspector of Police, Villupuram Taluk Police Station along with Mr.Sivagurunathan, Sub-Inspector of Police and Mr.Munusamy, Head Constable – 1677, was conducting prohibition raid near the TASMACH Shop at Thirupachavadimedu, which falls within the police limits of Villupuram Taluk Police Station, they saw Raja / husband of the petitioner standing there with a plastic cover. On seeing the police party, he tried to escape from that place. But he was apprehended by the police party. When the Inspector of Police examined the said plastic cover, he found 10 numbers of 180 ml Men's Club Brandy bottles. On enquiry, the Inspector of Police came to know that Raja / husband of the petitioner had these said



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Brandy bottles for sale without any permit or license. Hence, the Inspector of Police, after informing the grounds of arrest, arrested the accused/Raja at 09.30 a.m.

3.2.It is further stated in the counter that the Inspector of Police registered a case in Crime No.327 of 2024 under Section 4(1)(a) of Tamil Nadu Prohibition Act, 1937. Subsequently, the arrest was informed to his friend Vinoth, son of Mani, through SMS to his cell phone. On execution of bond by the accused/Raja, in the presence of the witnesses - Thiru. Karthik, son of Ayyanar and Thiru. Vinoth, son of Mani, the accused / Raja was enlarged on station bail by the Inspector of Police at 10.50 a.m. on the same day *i.e.*, 10.04.2024. Thereafter, the accused / Raja immediately left the Villupuram Taluk Police Station, along with the above said witnesses.

3.3.It is further stated that, thereafter, on the same day at 01.00 p.m., the petitioner lodged a complaint on the file of 11th respondent – Villupuram West Police Station stating that on 10.04.2024 at 08.30 a.m., her husband Raja was not feeling well and hence, he was taken to Government Primary Health Centre by his friend; that after receiving treatment, he

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returned to their house; that as he started suffering from chest pain at 12.30

hours on the same day, he was taken to the Government Hospital of Villupuram; that the Duty Doctor, who examined him, reported that her husband / Raja was brought dead and hence, she lodged the complaint. Based on the said complaint, G.Pandian, the Sub-Inspector of Police registered a case in Villupuram West Police Station, in Crime No.232 of 2024 under Section 174 of Cr.P.C.

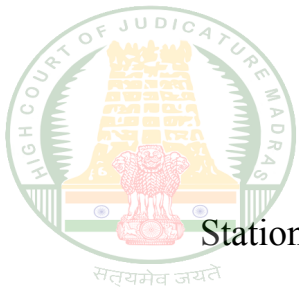
3.4.It is further stated in the counter that K.Udayakumar, Inspector of Police, Villupuram West Police Station, took up the case in Crime No.232 of 2024 for investigation. The Inspector of Police conducted inquest over the body of the deceased - Raja on 10.04.2024 between 01.30 p.m. and 03.00 p.m., in the presence of Panchatyatdars and witnesses at the Government Hospital, Villupuram. After inquest, the body of the deceased was handed over to the Assistant Professor, Department of Forensic Medicine, Government Villupuram Medical College, Villupuram by Prabakaran, Grade-I Police along with the requisition letter of Inspector of Police.

3.5.It is further stated in the counter that, the Inspector of Police



examined the witnesses namely, Anju / the petitioner herein, Kubendhiran, Babu, Eswaran, Michael, R.Iyyappan, S.Iyyappan, Karthik, Anandaraj, Parthiban, Madankumar, A.Karthik, Vinothkumar, Martin @ Ramkumar, Anbalagan, Manimaran, Babulal, Sivagurunathan, Munusamy, Manikandan, Punitha, Senthil, Vidhya, Pandian, Ramamoorthy, Prabakaran, Dr.Anithakumari, Dr.Nedunchezhiyan and recorded their statements.

3.6.It is further stated in the counter that, the Inspector of Police during investigation collected the out-patient slip of the deceased - Raja from the Primary Health Centre. From the said, it came to light that, after the accused / Raja was released on station bail from Villupuram Taluk Police Station, he went to the said Primary Health Centre on 10.04.2024 at 11.20 a.m., and took treatment for chest pain along with the witness - Vinoth. Thereafter, Raja went to his house and from there, as he suffered from chest pain and giddiness, he was taken to the Government Hospital, Villupuram by his son - Kubendhiran on 10.04.2024 at 12.40 p.m. Raja was examined by the Duty Doctor - Nedunchezhiyan, who reported that Raja was 'brought dead'. Then, the Duty Doctor handed over the body to Villupuram West Police



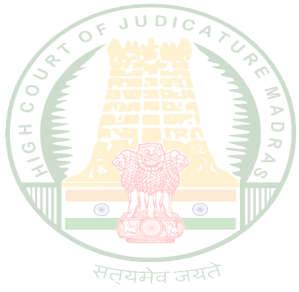
Station for further action.

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3.7.It is further stated that, postmortem was conducted on 10.04.2024 between 04.10 p.m. and 05.10 p.m. by Dr.R.Selvakumar, Assistant Professor of Department of Forensic Medicine, Government Villupuram Medical College, Villupuram. The cause of death was reserved pending reports of chemical analysis of viscera and histopathology of tissue bits. Final report was received on 26.04.2024, wherein it is opined that *the deceased would appear to have died due to combined effects of aspiration and pre-existing coronary atherosclerosis.*

3.8.It is further stated that, after postmortem, on 10.04.2024, the dead body of deceased - Raja was handed over to his son -Kubendhiran and his body was buried at the Mukti Burial ground in K.K.Road, Villupuram only on 11.04.2024 as per their customary practice.

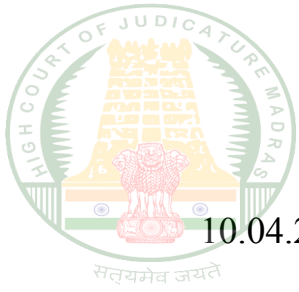
3.9.The contra averments made in the affidavit filed by the petitioner in support of the writ petition are denied as false.



3.10. Further, it is stated that, in connection with the complaints of the petitioner dated 13.04.2024 and 21.04.2024, detailed enquiry was conducted by the Additional Superintendent of Police and about 17 witnesses were examined including the Medical Officer at Primary Health Centre and the Medical Officer at Government Hospital, Villupuram. The CCTV Footage of Villupuram Taluk Police Station recorded on 10.04.2024 was watched closely. The allegations levelled against the respondents are baseless. There is not even an iota of evidence for custodial torture or harassment by the respondent police.

3.11. Further, it is stated that the petitioner made all the false versions only in order to substantiate her plea and with an intention to create bad image against the Police officials and nothing else. No policemen have unnecessarily visited their residence except the officials who went to enquire regarding her representation.

3.12. Further, as directed by this Court on 08.05.2024, the 10th respondent has handed over the CCTV footage of all CCTV Cameras of the Villupuram Taluk Police Station from 05.00 a.m. to 06.00 p.m., recorded on



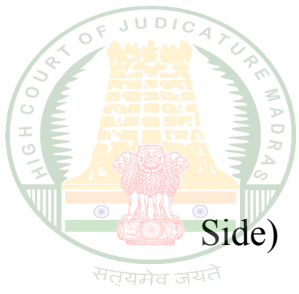
10.04.2024 in a pen drive to the 7th respondent. Therefore, they sought to

dismiss the present writ petition.

Arguments

4.Mr.Henri Tiphagne, the learned counsel for the petitioner submitted that the petitioner's husband - Raja, was taken into custody by the Sub-Inspector of Police, Villupuram Taluk Police Station on 10.04.2024 at 09.00 a.m. from his workplace without following the guidelines issued in *D.K.Basu's case (supra)*. The petitioner's husband belongs to Scheduled Caste. The petitioner's husband passed away only due to custodial torture at the hands of Police. Police failed to conduct an enquiry under Section 176 of Cr.P.C. Further, Police failed to adhere to the guidelines laid down by this Court in *Santhosh v. District Collector (supra)*. Therefore, he prayed for an order directing an enquiry under section 176 of Cr.P.C and to exhume the body from the burial ground and conduct re-postmortem with a team of two Doctors who have Master's Degree in Forensic Medicine attached to different Medical College Hospitals in the State at the 8th respondent Hospital.

5.Mr.S.Udayakumar, learned Government Advocate (Criminal



Side) for the respondents 2, 4, 5, 7, 9, 10 and 11 submitted that the petitioner's husband was arrested by the Villupuram Taluk Police Station on 10.04.2024 for being found in illegal possession of 10 numbers of 180 ml. Men's Club Brandy bottles, without any valid license or permit, which is punishable under the Tamil Nadu Prohibition Act. He was released on station bail on the same day. On the same day, at 10.50 a.m., due to some other complication, he was taken to Government Primary Health Centre at 11.20 a.m., where Dr.Anithakumari examined Raja and noted that his blood pressure was 110/70 and prescribed 'Rantac' Medicine and other medicines. She did not find any external injuries on the body of Raja. Post first aid, he was referred to Government Hospital, Villupuram for taking ECG. He submitted that at 12.40 a.m., Dr.Nedunchezian, Government Hospital, Villupuram declared Raja as 'brought dead'. Post-mortem was duly conducted, and the post-mortem report reveals that there were no external injuries on the body. The final opinion of the post-mortem report would show that the deceased would appear to have died due to combined effects of aspiration and pre-existing coronary atherosclerosis. Further, the forensic examination report would reveal that the deceased had consumed alcohol before death. Clearly



there is no sign of custodial torture as alleged. Furthermore, the petitioner's husband does not belong to Scheduled Caste but to a most backward community.

5.1.The learned Government Advocate invited the attention of this Court to the FIR registered in Crime No.327 of 2024 under Section 4(1)(a) of the Tamil Nadu Prohibition Act and to the bail bond executed by Karthik, son of Ayyanar and Vinoth, son of Mani. Notably, the deceased has also signed in the Bail Bond. Further, he produced the copy of entry in Prisoner Search Register and also some screenshots of the CCTV footage of the Police station and argued that the petitioner's husband - Raja left Villupuram Taluk Police Station at 10.50 a.m. He further submitted that, after the demise of Raja, the petitioner appeared before Villupuram West Police Station at 01.00 p.m. on 10.04.2024 and gave a complaint, wherein she has stated that her husband - Raja informed her on 10.04.2024 at 08.30 a.m., that he was unwell and then, went to Government Primary Health Centre along with his friend. She has further stated that, after returning from the Government Primary Health Centre, he complained of chest pain.



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5.2.The learned Government Advocate further invited the attention of this Court to the statement recorded under Section 161(3) of Cr.P.C. in Crime No.232 of 2024 on the file of Villupuram West Police Station and argued that the cumulative reading of the aforementioned records would establish that there is no custodial violence as alleged, and the petitioner's husband died due to coronary disease.

5.3.In a nutshell, he argued that, the three Doctors viz., Dr.Anithakumari, Dr.Nedunchezian and Dr.R.Selvakumar, have stated in their statements under section 161(3) of Cr.P.C. that the deceased Raja's body did not have any external injury. The postmortem report also reveals the same. Further, the deceased's body was buried the next day of postmortem by their family members. If really there were any external injuries, the family members would have raised objections at that point of time itself. Hence, the representations dated 13.04.2024 and 21.04.2024 to the Superintendent of Police and this Writ Petition is an afterthought and based on surmises. Accordingly, he prayed to dismiss the Writ Petition as devoid of merits.

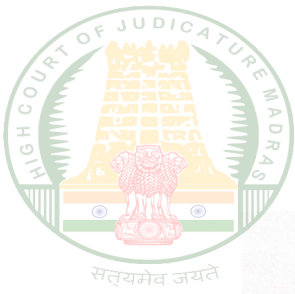


Discussion and Decision

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6.This Court has considered the rival submissions and perused the case file.

7.The matter was first listed on 08.05.2024. That day, this Court made the order reproduced below:

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W.P.No.13141 of 2024andW.M.P.Nos.14281, 14284 & 14289 of 2024**K.KUMARESH BABU, J.,**

Learned Government Advocate (Criminal Side) appearing for the official respondents 2, 4 to 5 7,9,10 and 11 seeks time to file counter in the writ miscellaneous petitions and also in the main writ petition.

2. Considering the nature of the relief sought for in the miscellaneous petition in W.M.P.No.14281 of 2024 and also being satisfied with the reasons stated in the affidavit filed in support of the miscellaneous petition, this Court directs the tenth respondent to handover the audio and video footage from all CCTV cameras of the Villupuram Taluk Police Station from 5 a.m to 6 p.m recorded on 10.04.2024 to the seventh respondent herein on or before 11.05.2024.

3. Post the writ petition for further hearing on 15.05.2024.

4. Meanwhile the official respondents are directed to file counter affidavit on or before 15.05.2024.

08.05.2024*mfa*

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



8. Thereafter, when the matter was listed on 15.05.2024 before this Court, Respondent Nos.2, 4, 5, 7, 9, 10 and 11 did not file counter. Both sides' counsels argued the matter. After hearing the arguments, this Court had posted the matter to 16.05.2024 for orders. On 16.05.2024, Mr.S.Udayakumar, learned Government Advocate (Criminal Side), after due intimation to the petitioner's counsel, sought permission to argue the matter further by producing typed set of papers. The said request was acceded to. However, due to paucity of time, this Court had posted the matter to this day for hearing further arguments and orders. Today, Respondent No.7, on behalf of himself and Respondent Nos. 2, 4, 5 and 9 to 11, filed counter along with two typed set of papers, one pertaining to Crime 232 of 2024 on the file of the Villupuram west Police Station and another pertaining to Crime No.327 of 2024 on the file of the Villupuram Taluk Police Station. Further arguments were made by both sides.

9. At this juncture, this Court deems fit to note here that, this Court is mindful of the fact that no notice was ordered to Respondent Nos.1, 3, 6, 8 and 12. Keeping in mind the fact that the other respondents contested



the case effectively by filing counter, and that the directions sought to be issued in this Writ Petition are nothing new as they have already been issued by this Court in *Santhosh vs. District Collector, Madurai (supra)* and also considering the facts and circumstances of the case and the urgency of the matter, this Court dispenses with the notice to Respondent Nos.1, 3, 6, 8 and 12 and proceeds to dispose of this Writ Petition.

10. Upon hearing the further arguments of both the sides, this Court specifically posed a query to the learned Government Advocate (Criminal Side) as to whether the statements recorded under Section 161(3) of Cr.P.C. pertaining to Crime No.232 of 2024 on the file of Villupuram West Police Station, were duly dispatched to the concerned jurisdictional Magistrate. The learned Government Advocate fairly conceded that the said statements are not despatched to the Jurisdictional Magistrate till date i.e., 17.05.2024. Not sending the statements of the witnesses under Section 161(3) of Cr.P.C., pertaining to Crime No.232 of 2024 to the concerned Jurisdictional Magistrate Court till date i.e., 17.05.2024 creates a cloud over the respondents' case.



11.It is apposite to cite here the decision of this Court in the case

of ***In Re: KARUNAKARAN AND OTHERS [1975 (1) MLJ 209]***, wherein

this Court has observed as under:

“5.In some instances we were not able to find out at what precise point of time on a particular day the complaint was made to the police, and the relevant first information report were received by the Sub-Magistrate, for they contained only the initials of the Sub-Magistrate, and the date. The importance of noting the exact time cannot be over-stated or over-emphasized. We have also come across instances where we could not be sure whether the inquest report and the statements of witnesses recorded during the inquest accompanying the inquest report had been sent to the Sub-Magistrate on the day when they purported to have been sent, since they did not contain the initials of the Sub-Magistrate with the date of the receipt of the same. In our note dated 28th March, 1974 we had stressed the importance of noting the time at which and the date on which these documents were received by the Sub-Magistrate, since the guilt of the accused or his innocence could be gauged, measured and determined unmistakably from certain documents received by the Courts in good time and we find that a Circular, R.O.C. No. 2272-A/74-F1 dated 20th June, 1974 was sent to all the Magistrates. In the instant case we had grave doubts whether the inquest report and the statements of witnesses recorded during the inquest and said to have accompanied the



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inquest report were received by the Sub-Magistrate on a particular day, for the Magistrate had initialed the inquest report, but in the date seal which was affixed to the inquest report the date was written in ink. The statements of the witnesses recorded during the inquest, however, did not contain the initials of the Sub-Magistrate at all. There was a lurking and gnawing suspicion in our minds whether they were smuggled into the Court of the Sub-Magistrate belatedly and far later. We are therefore of the opinion that it is imperative that the following documents should be dispatched immediately, without any delay by the investigating officers to the Sub-Magistrate. The Station House Officer should record the time of the actual dispatch of the various documents in the various registers, particularly, the statement recorded under Section 154 of the Code of Criminal Procedure. On receipt of the said documents, the Magistrate should initial the same, noting therein the time and date of the receipt of those documents. This would provide the only judicial safeguard against subsequent fabrication of such documents in grave crimes Therefore, as the Manual of Instructions for the Guidance of Magistrates in the Madras State does not contain any instructions to the Magistrates in this regard, we suggest that the same may be brought up-to-date by incorporating in it the circulars which had been issued from time to time for the guidance of the Magistrates. The following are documents of special importance which, in our opinion, should be dispatched by the investigating officers without any delay to the Magistrates, and they should bear the initials of the Magistrate with reference to



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both the time and date of their receipt.

1. The original report or complaint under Section 154 of the Code of Criminal Procedure.

2. The printed form of the first information report prepared on the basis of the said report or complaint.

3. Inquest reports and statements of witnesses recorded during the inquest.

4 Memo, sent by the Station House Officers to doctors for treating the injured victims who die in the hospital subsequently and the history of the case-treatment.

5. Memo, sent by the doctor to the police when a person with injuries is brought to the hospital, or the death memo, sent by the doctor to the police on the death of the person admitted into the hospital with injuries.

6. Observation mahazars for the recovery of material objects, search lists and the statements given by the accused admissible under Section 27 of the Evidence Act, etc. prepared in the course of the investigation.

7. The statements of witnesses recorded under Section 161 (3) of the Code of Criminal Procedure.

8. Form No. 91 accompanied by material objects.”

12. Admittedly, the petitioner's husband was arrested by Villupuram Taluk Police Station on 10.04.2024 between 09.00 a.m. and 09.30 a.m. It is the contention of the respondents that the petitioner's husband was released on 'station bail' on the same day. The petitioner's husband went to



Government Primary Health Center for treatment / first aid at 11.20 a.m. on

10.04.2024. Thereafter, he passed away at 12.40 p.m. According to the

petitioner, she observed visible marks and injuries on the deceased's body and

the deceased informed her at around 12.00. p.m. that he was subjected to

custodial torture by police. The contention of the learned counsel of the

petitioner is that, as per the Prisoner's Search Register, the petitioner's

husband was released on station bail as he was feeling unwell and dizzy. If

really the petitioner's husband was not feeling well while he was under the

custody of the police, they themselves would have taken him to the hospital,

which is not the case here. No Police personnel accompanied the petitioner's

husband to the Primary Health Center. This also creates serious suspicion

around the death of the deceased / petitioner's husband. Thus, section 176

inquiry is essential to unearth the truth. This Court finds the contention of the

petitioner plausible.

13. In view of the facts and circumstances of the case, this Court is of the view that, the suspicion of the petitioner that her husband died of



custodial torture is reasonable and cannot be brushed aside easily. For the

same reason, the enquiry contemplated under Section 176 of Cr.P.C., is also

essential to clear the clouds and unearth the truth. It would not cause any

prejudice to the respondents. As a matter of fact, if re-postmortem is

conducted and the result negatives the contention of the petitioner, it would

enhance the reputation of the police among the public. Therefore, in the

interest of justice, this Court directs as follows:

(i) Sixth respondent is directed to exhume the body of Raja, son of Kathavarayan, from Mukti Burial Ground, K.K.Road, Villupuram.

(ii) Third and eight respondents are directed to conduct re-postmortem with a team of two Doctors who have Master's Degree in Forensic Medicine, one from Madras Medical College, Chennai and another from KAP Vishwanathan Government Medical College, Trichy, at eighth respondent Hospital.



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(iii) In case, if any of the Doctors is not available, then, a Doctor, who has the above mentioned qualification, either from Madurai Medical College, Madurai or Tirunelveli Medical College, Tirunelveli, can be nominated.

(iv) While conducting re-postmortem, the third and eighth respondents shall adhere to the norms and directions of this Court issued in ***Santhosh vs. District Collector, Madurai*** (W.P.No.12608 of 2020 dated 02.12.2020 updated on 28.02.2023).

(v) If, in case, the team of two Doctors so appointed, is of the view that re-postmortem needs to be conducted at the spot, even then, the norms and directions of this Court issued in ***Santhosh vs. District Collector, Madurai*** (W.P.No.12608 of 2020 dated 02.12.2020 updated on 28.02.2023) shall be followed



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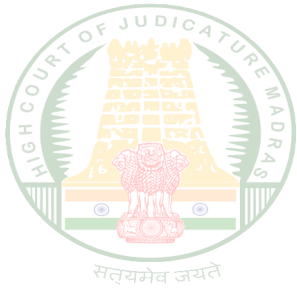


strictly as far as possible.

(vi) If re-postmortem needs to be done on the spot, X-Ray examination shall be done mandatorily to find out the antemortem injuries, if any, on the deceased's body.

(vii) Respondent Nos.1,2,4 and 7, are directed to secure all the CCTV footages of the Villupuram Taluk Police Station pertaining to the time period between morning 06.00 a.m. of 09.04.2024 and evening 06.00 p.m. of 11.04.2024.

(viii) All the respondents are directed to follow the norms and directions of this Court issued in ***Santhosh vs. District Collector, Madurai*** (W.P.No.12608 of 2020 dated 02.12.2020 updated on 28.02.2023) strictly.



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(ix) All the above directions shall be scrupulously carried out within eight days from today.

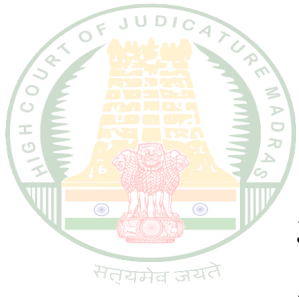
14. In fine, the Writ Petition is allowed. Miscellaneous Petition in WMP No.14284 of 2024 is also allowed and WMP No.14289 of 2024 is closed. No costs.

17.05.2024

Index : Yes
Internet : Yes
Neutral Citation : Yes
Speaking order
TK

Note:

- 1) Registry is directed to send this order along with a web copy of the order of this Court in *Santhosh vs. District Collector (supra)* to the respondents for due compliance.**
- 2) Registry is directed to forthwith upload this order in the official website of this Court.**



WEB COPY



3) All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Home Secretary
Office of the Home Secretary
Govt. of Tamil Nadu
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Director General of Police
Office of the Director General of Police
Head of Police Force
Govt. of Tamil Nadu
Dr. Radhakrishnan Salai, Mylapore,
Chennai – 600 004.
- 3.The Director of Medical Education
Directorate of Medical Education
162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.
- 4.The Inspector General of Police
Office of the Inspector General of Police
North Zone
Chennai – 600 016.
- 5.The Deputy Inspector General of Police

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Office of the Deputy Inspector General of Police
Villupuram Range,
Villupuram – 605 602.

- 6.The District Collector
Office of the District Collector
Villupuram – 605 602.
- 7.The Superintendent of Police
Office of the Superintendent of Police
Villupuram – 605 602.
- 8.The Dean
Office of the Dean
Villupuram Govt. Medical College Hospital
Villupuram – 605 601.
- 9.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Villupuram Police Sub Division
Villupuram – 605 602.
- 10.The Inspector of Police
Villupuram Taluk Police Station
Villupuram – 605 602.
- 11.The Inspector of Police
Villupuram West Police Station
Villupuram – 605 602.
- 12.The Joint Director
Medical and Rural Health Service
Villupuram Public Government Hospital
Villupuram.
- 13.The Principal District Judge,
Villupuram.

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सत्यमेव जयते 14.The Chief Judicial Magistrate,
WEB COPY Villupuram.

15.The Judicial Magistrate No.1,
Villupuram.

16.The Public Prosecutor
High Court of Madras.



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VERDICTUM.IN



WP NO.13141 OF 2024

R.SAKTHIVEL, J.

TK

W.P.NO.13141 OF 2024

17.05.2024

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