

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Ninth day of June Two Thousand and Twenty

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH
and
The Hon'ble Mr Justice B.PUGALENDHI

Suo Motu W.P. (MD) No.7042 of 2020

THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

... PETITIONER

Vs

1. THE STATE OF TAMILNADU REP. THROUGH ITS
THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
KOVILPATTI SUB JAIL,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 4 THE DEAN
MEDICAL COLLEGE HOSPITAL,
HIGH GROUND, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 5 RAGHUGANESAN
- 6 MURUGAN

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus directing the first respondent to submit a report on the death of Pennis and Jeyaraj, accused in Sathankulam P.S., Cr.No.312 of 2020 and or pass any other order/direction as this Honourable Court may deem fit and proper, in the circumstances of the case and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the submission of THE REGISTRAR(JUDICIAL) - petitioner and hearing

the arguments of Mr.K.CHELLAPANDIAN, Additional Advocate General assisted by Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondents R1 to R4, the court made the following order:-

(Order of the Court was made by P.N. PRAKASH, J.)

On special mentioning made by Mr.K.Chellapandian, learned Additional Advocate General, this matter is taken up for hearing today.

2 The learned Additional Advocate General submitted that the State Government is intending to transfer the investigation of the Sathankulam case to the Central Bureau of Investigation, after getting formal nod of this Court in regard thereto, inasmuch as, this Court has taken up the matter *suo motu* and is closely monitoring it.

3 Though we appreciate the deference shown to this Court by the State Government, we make it clear that, to transfer or not to transfer the case to the C.B.I., is the policy decision of the State Government and such a transfer is governed by the provisions of the Delhi Special Police Establishment Act, 1946.

4 Since there are certain procedural formalities for effecting transfer of the case in the event of the State Government issuing necessary Government Order, which may consume a reasonable time, we issue the following directions, on the premise that the case is likely to be transferred to the C.B.I.:

i. The Registrar (Judicial), Madurai Bench of Madras High Court, shall take a photocopy of the preliminary post-mortem certificates and certify them and keep them in safe custody and send the original post-mortem certificates in a sealed cover to the learned Chief Judicial Magistrate, Tuticorin, who, in turn, shall hand over the same to the Investigating Officer of the C.B.I. The post-mortem doctors are awaiting the Chemical Analysis, Histopathological examination and Microbiological examination reports. Only upon receipt of those reports, can the final opinion be given. Therefore, the Dean, Tirunelveli Medical College, shall send the final opinion, to the learned Chief Judicial Magistrate, Tuticorin, who, in turn, shall hand over the same to the Investigating Officer of the C.B.I. A copy of the final opinion shall also be sent to this Court in a sealed cover. The Director, Tamil Nadu Forensic Sciences Laboratory, Chennai, is directed to give top priority to the examination of the materials sent by the post-mortem doctors, so that they can give their final opinion at the earliest.

ii. The learned Judicial Magistrate No.I, Kovilpatti, shall send a copy of his report to this Court in a sealed cover and keep the

original report with him in safe custody and hand over the same to the Investigating Officer of the C.B.I.

iii. The Deputy Superintendent of Police, Kovilpatti Range, shall hand over the Case Diaries in Kovilpatti East P.S. Cr. Nos. 649 and 650 of 2020, to the learned Chief Judicial Magistrate, Tuticorin, for safe custody, who, in turn, shall hand over the same to the Investigating Officer of the C.B.I.

iv. Though the accused in Sathankulam P.S. Cr. No. 312 of 2020, viz., Jayaraj and Bennicks, are no more, the Superintendent of Police, Tuticorin District, shall hand over the Case Diary and other related records in Sathankulam P.S. Cr. No. 312 of 2020 to the learned Chief Judicial Magistrate, Tuticorin, who, in turn, shall hand over the same to the Investigating Officer of the C.B.I., as those records will aid the C.B.I. Investigation.

5 Further, the learned Principal District Judge, Tuticorin, who is closely monitoring the case, informed us that the police personnel in the Sathankulam Police Station are not co-operating with the learned Judicial Magistrate No. I, Kovilpatti, in conducting the enquiry under Section 176(1) (1-A), Cr.P.C., for collecting clue materials. Therefore, we direct the District Collector, Tuticorin, to depute Revenue Officers to the Sathankulam Police Station, for the purpose of preserving the clue materials. In this regard, we also direct the Assistant Director of Mobile Forensic Science Laboratory, Tuticorin, to immediately go to the Sathankulam Police Station, to collect the clue materials and assist the learned Judicial Magistrate No. I, Kovilpatti. If necessary, a team of forensic science experts from the Regional Forensic Science Laboratory, Tirunelveli, may also be requisitioned.

6 Coming to the suggestion put forth by this Court in the order dated 24.06.2020 qua addressing the psychological needs of the policemen and their family members, it is seen that the State Government had already launched a scheme called "Police Wellbeing Programme" in collaboration with NIMHANS, Bangalore, vide G.O. Ms.No.516, Home (Police-IX) Department dated 11.06.2018 and has allocated a sum of Rs.10 crores towards that scheme. The learned Additional Advocate General shall ascertain as to whether the said programme is being continued or not and apprise us of it.

Post tomorrow (30.06.2020).

sd/-
29/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

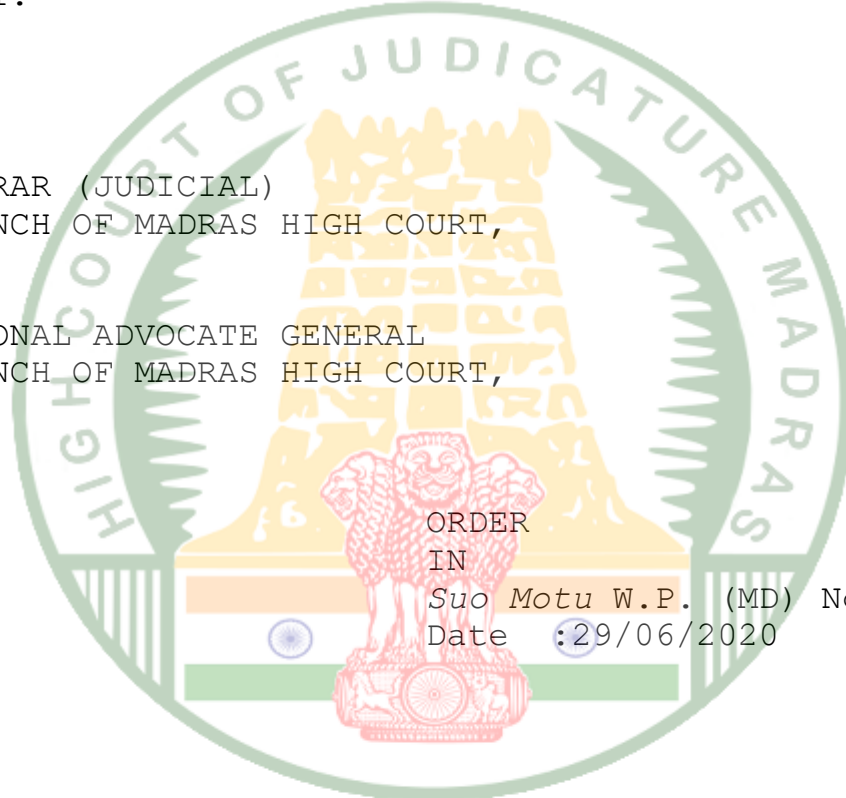
TO

- 1 THE PRINCIPAL DISTRICT JUDGE, TUTICORIN.
- 2 THE JUDICIAL MAGISTRATE No.1, KOVILPATTI.
- 3 THE JUDICIAL MAGISTRATE,
SATHANKULAM, TUTICORIN DISTRICT.
- 4 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
- 5 THE CENTRAL BUREAU OF INVESTIGATION, MADURAI.
- 6 THE CHIEF SECRETARY,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600 009.
- 7 THE DISTRICT COLLECTOR, TUTICORIN.
- 8 THE DIRECTOR GENERAL OF POLICE,
CHENNAI 600 004.
- 9 THE INSPECTOR GENERAL OF POLICE,
SOUTH ZONE, MADURAI.
- 10 THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
- 11 THE SUPERINTENDENT,
KOVILPATTI SUB JAIL,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 12 THE DEPUTY SUPERINTENDENT OF POLICE,
KOVILPATTI RANGE.
- 13 THE DIRECTOR,
TAMIL NADU FORENSIC SCIENCES LABORATORY,
KAMARAJ SALAI, CHENNAI 600 004
- 14 THE ASSISTANT DIRECTOR OF
MOBILE FORENSIC SCIENCE LABORATORY,
DISTRICT POLICE OFFICE COMPLEX, TUTICORIN.
- 15 THE DEPUTY DIRECTOR,
REGIONAL FORENSIC SCIENCE LABORATORY,
NEAR TIRUNELVELI DISTRICT COURT CAMPUS,
TIRUNELVELI.

- 16 THE DEAN
MEDICAL COLLEGE HOSPITAL,
HIGH GROUND, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 17 THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 18 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
KOVILPATTI.

COPY TO:

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE ADDITIONAL ADVOCATE GENERAL
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



ORDER
IN

Suo Motu W.P. (MD) No.7042 of 2020

Date :29/06/2020

CAD

TE/JC/SAR-III : 29/06/2020 : 5P/21C

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