



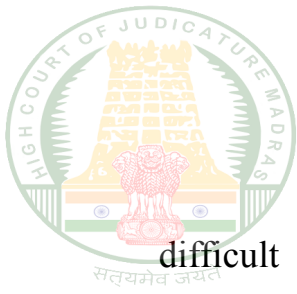
W.P.No.18455 of 2022

W.P.No.18455 of 2022 and
W.M.P.No.17800 of 2022

N.SATHISH KUMAR,J.

This Writ Petition has been filed seeking for a direction to the first respondent to transfer the investigation in Crime No.25 of 2022 pending on the file of the fourth respondent to CBCID, Villupuram and also seeking re-postmortem of the body of the girl, who studied in the Sakthi Matriculation school at Kallakurichi.

2. After filing this application before this Court, on 17.07.2022, there was a huge protest, which led to ransacking of the entire school building and also torching of about 50 vehicles, including the police officials' vehicles. Many police personnel were also injured. On seeing the live telecast of the entire incident from various television channels, this Court is of the firm opinion that such a violent protest that erupted yesterday was not mere eruption of sudden provocation, rather, it appears to be a motivated, planned and calculated. There is some force behind it, such incident shook the entire State and the situation also led to show as if the State is lawless. Therefore, it is the duty of the police to conduct proper investigation and book all the culprits. Since the video footages are very much available, identifications of all the accused is not a



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difficult task for the police.

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3. The Director General of Police, Chennai is directed to form a special teams in this regard to identify all the violators, who are captured very well in all the video footages and bring them before the Court of law. This Court also cannot lose sight to the recent tendency/development in the state of Tamil Nadu. Whenever any unnatural death of a student occurred in any educational institutions, immediately, there is a group to protest, and force the police to succumb to such pressure, which leads to unnecessary arrest, even without proper investigation being done. Such things are recent trend not only in the unnatural death of the students in the educational institutions but also in the death of the patients in the hospitals.

4. This Court is of the firm opinion that in every protest, there is some group behind it and it has to be properly investigated. Unless such things are curbed and the perpetrators are brought before the Court of law, the situation will lead to show as if the State is lawless. Therefore, it is the responsibility of the State Government and police to restore the glory of a Police forces and the investigating agencies to properly identify the violators. Yesterday's incident

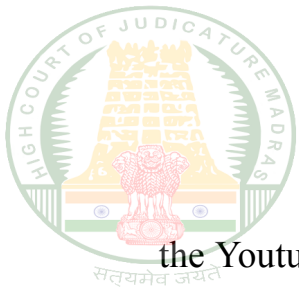


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not only led to ransacking the building but also of certificates and original documents of nearly 4,500 other students, which is in fact shocked the conscious of citizen of this country and it has to be probed properly.

5. Therefore, this Court is of the view that hereafter, whenever any such unnatural death is reported in educational institutions, in respect of any student, investigation has to be conducted by the CBCID and the postmortem should be conducted with a team of three Doctors and such postmortem should be video graphed. Proper enquiry also to be conducted by Education Department only thereafter police should resort arrest of persons. This direction should be followed scrupulously. The investigating agency is further directed to identify the persons, who have formed whatsapp groups and spread false news, which resulted in such rioting situation, and take action as per law. Besides that, unnecessary parallel investigation being conducted in the Youtube channels should also be blocked, by taking severe action, when the matter is seized by the investigating agency or by the Court.

6. Therefore, there will be a direction to the Director General of Police, Chennai to issue circular in this regard and take appropriate action to identify



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the Youtubers, who had spread false news and conducted parallel media trial in the Youtube.

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7. With the above directions, the respondent is also directed to file a status report before this Court on the next date of hearing as to the nature of investigation conducted in identifying the perpetrators of the crime. As far as the postmortem is concerned, it is stated by Mr.Sankarasubbu, learned counsel for the petitioner that they have serious suspicion over the postmortem since the postmortem is conducted by an incompetent Doctor. Such submissions cannot be countenanced. Neither the counsel nor the Court is not an expert in this aspect. Only a qualified Doctor can conduct such postmortem. Be that as may be, since some apprehensions have been raised, mere conducting re-postmortem will not affect anyway, though it is the specific stand of the police that postmortem has been done properly and thoroughly videographed and it is also stated that it is clear case of suicide.

8. Admittedly, the body has been preserved in mortuary as per the investigation agency. In such view of the matter, this Court orders re-postmortem of the body with the team of the following Doctors, who are



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appointed by this Court viz.,

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- i) Dr.Geethanjali, Professor, Villupuram Medical College
- ii) Dr.Juliana Jayanthi, Professor, Trichy Medical College
- iii) Dr.Gokularaman, Professor, Salem Medical College

9. Apart from the above mentioned Doctors, this Court also appoints Mr.Santhakumar, Retired Professor and Director of Forensic Sciences Department, Government of Tamil Nadu to be present along with the team of Doctors and the entire Postmortem should be video graphed. The petitioner is also permitted to be present along with one lawyer viz., Mr.K.Kesavan, Junior counsel of Mr.R.Sankarasubbu, learned counsel for the petitioner. Except that, no other person is permitted to be present at the time of re-postmortem. It is also made clear that no interview should be given by the petitioner as well as the lawyer, who is accompanying with the petitioner, with regard to the re-postmortem or any investigation.

10. At this juncture, Mr.R.Sankarasubbu, learned counsel for the petitioner would submit that a team of doctors of their choices should also be included during re-postmortem. This Court is of the firm view that such



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inclusion as sought for not for any bonafide reasons, since it has projected first time during his submissions. Not even in their petition. Only after filing the petition before this Court on Friday (15.07.2022), number of people claiming to be the supporters have ransacked the entire building and destroyed the documents including the certificates of the other students. This Court first questioned to the Mr. Sankarasubbu as to why the party resorted to such protest while they have already moved the Court for re-postmortem.

11. Learned counsel Mr. Sankarasubbu would submit that his clients are innocents and some other group have indulged in the violence. Though this Court having all the sympathies with the parents of the young child who died unnaturally, taking overall situation in the manner which violence erupted and executed, this Court is of the view that inclusion of the Doctor of choice of the Petitioner may not be necessary at this stage. This Court has selected the Doctors after the thorough verification and included them as the team of Doctors. The well known Expert Mr. Santhakumar is also included. In such a view of the matter the contention of Mr.Sankarasubbu cannot be countenanced.



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WEB COPY 12. The petitioner should have some faith in the experts and the Court.

This Court has appointed the above Doctors after thorough analysis about their credentials and one of the common expert is also appointed, who is none other than the retired Director of Forensic Sciences Department, Government of Tamil Nadu.

13.Immediately, after the re-postmortem, the petitioner has to receive the body of the girl without any other objections and peacefully conduct the funeral, as per the last rites.

14.The respondent police is directed to file a status report before this Court on 29.07.2022 with regard to the action taken against the accused, who have involved in a mass destruction of the property. Uploaded copy can be utilized for the purpose of execution of the order.

15. Post this matter on 29.07.2022.

18.07.2022

nr/shk/ggs

Note: Issue order copy on 18.07.2022



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18.07.2022