

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

Thursday, the Ninth day of July, Two Thousand and Twenty

PRESENT:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR. JUSTICE P.RAJAMANICKAM

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 Tamil Nadu represented through its 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
- (*)
7 **CBCID,**
represented by
The Deputy Superintendent of Police,
Tirunelveli.

8. Central Bureau of Investigation,
represented by,
The Additional Superintendent of Police,
Central Bureau of Investigation,
Plot No.5-B, CGO Complex,
Second Floor,
Lodhi Road,
New Delhi - 110 003.

: Respondents

[R7 and R8 are suo motu impleaded vide Court order dated 09.07.2020 in Suo Motu W.P(MD)No.7042 of 2020]

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 Bennicks and Jayaraj, accused in Sathankulam P.S. Cr. No.312 of 2020 and/or pass any other order/direction, as this Hon'ble Court may deem fit and proper, in the circumstances of the case and thus render justice.

ORDER: This petition coming on for orders and hearing the submissions of Mr.K.Chellapandian, Additional Advocate General assisted by Mr.R.Anandharaj, Additional Public Prosecutor on behalf of the state and Mr.V.Kathirvelu, Assistant Solicitor General appearing for the CBI, the Court made the following order:

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

Before commencing the hearing today, this Court appealed to the members of Print, Visual and Social Media not to misinterpret the proceedings (or) observations made during the course of hearing, with the further appeal, not to conduct media trial as it may affect both the prosecution as well as the accused.

2. This Court, in continuation and in conjuncture with the earlier orders, is passing the following order.

3. Heard the submissions of Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State and Mr.V.Kathirvelu, learned Assistant Solicitor General appearing for the CBI.

4. The learned Additional Advocate General appearing for the State, on instructions, submitted that pursuant to the directions passed by this Court on an earlier occasion, Mr.Anil Kumar, Deputy Superintendent of Police, CBCID, Tirunelveli, had taken over the investigation and registered two cases for the alleged commission of the offences under Sections 302, 342 and 201 I.P.C., and effected arrest of (1) Mr.Raghu Ganesh, Sub Inspector of Police; (2)

Mr.Balakrishnan, Sub Inspector of Police; (3) Mr.Murugan, Head Constable; (4) Mr.Muthurajan, Gr-I Police Constable, (5) Mr.Sridhar, Inspector of Police/Station House Officer, Sathankulam Police Station (6) Mr.Pauldurai, Special Sub Inspector of Police, (7) Mr.Samidurai, Head Constable; (8) Mr.Vail Muthu, Gr-I Police Constable; (9) Mr.Chelladurai, Gr-I Police Constable and (10) Mr.Thomas Fransous, Gr-I Police Constable and steps have already been taken to get their police custody before the expiry of initial period of remand of 15 days.

5. It is also brought to the notice of this Court by Mr.V.Kathirvelu, learned Assistant Solicitor General of India that the Central Bureau of Investigation (CBI) had registered two separate cases under Sections 176 (1-A)(i) Cr.P.C., and Mr.V.K.Sukla, Additional Superintendent of Police, CBI, had been nominated as Investigating Officer and a team of CBI officials headed by him will land at Madurai tomorrow (10.07.2020) and proceed to Sathankulam for commencement of the investigation.

6. The learned Assistant Solicitor General of India submitted that since the Investigating Officer is not well-versed with the local vernacular language, assistance has been sought.

7. The learned Additional Advocate General appearing for the State, on instructions, submitted that all necessary assistance would be rendered to the CBI in carrying out quality and purposeful investigation.

8. In the light of the above facts and circumstances of the case, the following orders are passed:

(i) This Court, suo motu, impleads CBCID, represented by the Deputy Superintendent of Police, CBCID, Tirunelveli, as the seventh respondent and also Central Bureau of Investigation (CBI) represented by the Additional Superintendent of Police, Plot No.5-B, CGO Complex, Second Floor, Lodhi Road, New Delhi - 110 003, as the eighth respondent. The learned Additional Advocate General accepts notice on behalf of the seventh respondent and the learned Assistant Solicitor General of India accepts notice on behalf of the eighth respondent;

(ii) CBCID, represented by Mr.Anil Kumar, Deputy Superintendent of Police, CBCID, Tirunelveli, shall file a status report as to the investigation carried out so far in a sealed cover before this Court on the next date of hearing;

(iii) CBI while investigating the two cases registered, shall take into account, the materials collected by CBCID so far, for the purpose of carrying out the effective and quality investigation and if it feels that custodial interrogation of any of the accused is

necessary, it may take appropriate steps in accordance with law; and

(iv) The Investigating Agency either CBCID or CBI, may take immediate step to file applications for getting police custody of the arrested persons, within fifteen days of remand before the jurisdictional Magistrate as contemplated under Section 167 Cr.P.C.

9. Call on **28.07.2020**.

sd/-
09/07/2020

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/ /2020

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Principal District Judge, Tuticorin.
2. The Chief Judicial Magistrate, Tuticorin.
3. The Chief Judicial Magistrate, Madurai.
4. Central Bureau of Investigation,
Plot No.5-B, CGO Complex, Second Floor,
Lodhi Road, New Delhi - 110 003.
5. The Judicial Magistrate No.1,
Kovilpatti, Tuticorin District.
6. The Judicial Magistrate,
Sathankulam, Tuticorin District.
7. The Judicial Magistrate No.III, Tuticorin.
8. The Central Bureau of Investigation, Madurai.
9. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.

10. The District Collector, Tuticorin.
11. The Director General of Police, Chennai 600 004.
12. The Inspector General of Police,
South Zone, Madurai.
13. Mr. Anil Kumar,
Deputy Superintendent of Police,
CB-CID, Tirunelveli.
14. The Superintendent of Police,
Tuticorin District.
15. The Superintendent,
Kovilpatti Sub Jail,
Kovilpatti, Tuticorin District.
16. The Deputy Superintendent of Police,
Kovilpatti Range.
17. The Deputy Director of Prosecution,
Tirunelveli Range.
18. The Director,
Tamil Nadu Forensic Sciences Laboratory,
Kamaraj Salai, Chennai 600 004.
19. The Deputy Director,
Regional Forensic Sciences Laboratory,
Near Tirunelveli District Court Campus,
Tirunelveli.
20. The Assistant Director of Mobile
Forensic Sciences Laboratory,
District Police Office Complex, Tuticorin.
21. The Dean,
Medical College Hospital,
High Ground,
Palayamkottai, Tirunelveli District.
22. The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
23. The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti.

24. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
25. The Additional Advocate General,
Madurai Bench of Madras High Court,
Madurai.
26. The Registrar,
National Institute of Mental Health and Neurosciences (NIMHANS),
Near Bangalore Milk Dairy,
Lakkasandra,
Laljinagar, Wilson Garden,
Bengaluru, Karnataka 560 029.
27. Dr. C.Ramasubramanian,
Consultant Psychiatrist,
No.11, Subburaman Street,
Gandhi Nagar,
Madurai - 20.
28. The Deputy Superintendent of Police,
Tuticorin.
29. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
30. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.
31. The Deputy Superintendent of Police,
CBCID, Tirunelveli.
32. The Additional Superintendent of Police,
Central Bureau of Investigation,
Central Bureau of Investigation,
Plot No.5-B, CGO Complex,
Second Floor, Lodhi Road,
New Delhi - 110 003.

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ORDER IN

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

Date :09/07/2020

MS/PN/SAR-2/10.07.2020/6P.33C