

# காவல் சித்திரவதைக்கு எதிரான கூட்டியக்கம் - தமிழ்நாடு

## Joint Action Against Custodial Torture - Tamil Nadu

32, Besant Road, Chokkikulam, Madurai - 625 002

Phone: +91-89391 54752 +91-99943 68571 +91-94426 18117 E.mail: jaacttn@gmail.com

### **CUSTODIAL DEATH OF MR. VIGNESH G-5 STATION, CHENNAI**

#### **Introduction:**

The Sub-Inspector of the Chennai Metropolitan Police Control Room and G-5, Secretariat Quarters Police Station Constable Ponraj 50311 and Home Guard 5019 were engaged in a vehicle check at the Chennai Purasavakkam Bricklin Road junction on 18.04.2022 at around 11.00 pm. Vignesh (23) Suresh (@) Jollu Suresh (30) who came in an auto driven by Mr. Prabhu at that time was stopped, illegally detained, beaten and tortured in the name of interrogation and Vignesh died while in police custody on 19.04.2022.

Based on the news telecasted in News Minute TV thereupon News Minute Reporter Ahmed and Times Now Reporter Shilpa and Aseer of People's Watch searched for the victims from the evening of April 21 until midnight. But the team could not find and meet anyone. They went to Pattinapakkam, Seenivasapuram to meet Vijay the second brother of Vignesh but the owner of the house said that the house was vacated that day.

On April 22, at about 9:00 am, the fact finding team met Vignesh's elder brother, Vinoth. After that they met other brothers and also Vignesh's aunt and uncle. They all were afraid because of constant police threats. They first expressed to the team that they were in dire need of protection from the police threats. So the team paid their full attention in protecting them. In general, during the fact finding, the team will meet both the victims and the perpetrators, thereafter publish the report since the fact-finding team paid constant attention to protecting the victims they were unable to meet the perpetrators and officials. And hence the purpose of this Press Meet is to bring the victims before the media persons and release the statements of the victims.

The brothers of Vignesh are 1. Vinoth (30), 2. Vijay (28), 3. Vignesh (26), 4. Veera (24), 5. Satya (22), 6. Surya (20). They lost their parents at their young

age. These are homeless people who grew up on the streets of Chennai. They belong to Hindu Adhidraavidar, Scheduled Caste. They have been living without getting a family card, voter ID card, and Aadhar card.

The fact finding team got the statements from Vinoth, Vijay and Karpagam and sent the same to the SHRC as well as respective police officials. Now the preliminary report prepared is presented to the media along with the recommendations of the fact finding team.

### List of Documents

S.No	Document
1.	Statement of Mr. Vinoth (30), S/o Mr. Vadivel (Elder brother of Mr. Vignesh)
2.	Statement Mr. Prabhu (30) S/o Mr. Gunasekaran (Witness)
3.	Ms. Karpagam (51) W/o Mr. Ganesan (Mother of Mr. Suresh, Auto Driver)
4.	Findings
5.	Chronological brief of the case of Custodial death of Mr. Vignesh
6.	Copy of the Memorandum sent to Chief Justice of the Madras High Court
7.	Copy of the Memorandum sent to The Chairperson, SHRC
8.	Copy of the Memorandum sent to Executive Chairman of Tamil Nadu Legal Services Authority
9.	Recommendations



**Statement of Mr. Vinoth (30) S/o Vadivel  
(Elder brother of deceased Mr. Viknesh)**

My name is Vinoth. My father's name is Vadivel, mother's name is Kanjana. I am belonging to Adhidravida caste, Scheduled Caste. I have five younger brothers. I am the eldest son in the family. Mr. Vijay (27), Mr. Viknesh (22), Mr. Veera (21), Mr. Sathya (23), Mr. Suriya (17) are my younger brothers.

My father died when I am was 20. Later, my mother also died. So we grew up without our parental care in our early age. We don't have a proper house to live in Marina. From the beginning we grew up on the streets. We were sleeping on the beach almost all days of the year. Our only hope is our aunty who used to support us when we suffer. She is our father's younger sister.

My younger brother Mr. Vijay (27) only got married. His wife's name is Ms. Deepa (24). They are having a five months old female baby, rest of us are still bachelors / unmarried. Vijay is living in a rental room at Srinivasapuram, Pattinapakkam. I am living in a rental room at Rahavan Garden, Otteri. The other brothers will be staying in my room or in Vijay's room alternatively. It is our family practice that we often sleep on the Marina beach in the night.

Marina beach is something close to our life since our younger age. I am working in a petty stall in the beach where they have balloon shooting / firing as an amusement activity. I am earning Rs 300/- per day. Every day I spent Rs.150/- for food. The rest of the amount will be saved and paid for my room rent which is Rs.3,500/-. End of the month I won't have any amount in my hand as balance.

My brothers are working as horse riders in the Marina beach. Vignesh was working for Mr. Ranjith who is the owner of his horse. My brother Vignesh works as horse rider since his young age. He was earning only Rs 300/- per day. Sometimes he goes for cinema shootings, during that time he

would earn little extra. In the weekends he could earn more since his owner pays Rs.100/- extra. In the week days the business is often dull.

After 19.04.2022 when my brother Vignesh died because of custodial violence by the G5 Police, my brother Vijay's room owner asked to vacate his room immediately. Due to the continuous police intimidation and pressure, I am roaming here and there in Chennai. My younger brothers were hiding themselves somewhere because of police intimidation, I don't know their whereabouts. This is our situation after the death of my younger brother Vignesh.

Character wise my brother Mr. Vignesh is very calm and good at heart. He was hard working and sincere at his work. Immediately before Corona lockdown a criminal case was registered on my brother but actually he indulged in that incident only to protect his owner Mr. Ranjith. There are no other cases in his name in any police station. He usually during day time comes to my room and rests; at times he went to another brother Vijay's room. Unnecessarily he never roamed around, last week he got a chance to act in Actor Suriya's upcoming movie shooting. Then Sunday (17.04.2022), he went to my brother Vijay's place. Vijay has a five month old female baby; he brought new dresses for her from the extra money he earned in the shooting. When my brother announced that he begot a female baby and she is our family's first child, my brother Vignesh had kissed and hugged the horse he was looking after and expressed his joy. This incident was narrated to me by my brother Vijay later.

Even before I came to know that my brother Vignesh was under police custody or died. When I was in my room and taking bath on 19th April 2022 (Tuesday) at around 12.00 PM suddenly 5 police personnel headed by Ms. Rajeswari, Inspector, Pattinambakkam entered my room. One among them was not in uniform. They brought my brother Suriya along with them. The room in which I reside is 10 x 8 square feet in size. The bathroom of my residence does not have door and Inspector Rajeswari asked me whether I am Vinoth and immediately she asked to come with them. I was in the middle of a bath and the soap froth was still to be washed but the inspector

insisted that I go with them at once and I had to dry out the soap froth with my bath towel and dress and go. They did not allow me to bathe.

I am residing in this Ravana Garden, Otteri area for more than five years. Many people are living as a family in around the area. I am the only bachelor residing there. Nobody ever talked about me badly so far. Opposite my house, a grandma talked to me caringly usually. The policemen took me to the Police station from my place like an accused. I was put to shame at that time by the police. The Policemen inhumanly took me with them though I didn't do anything wrong. I don't know why police treated me like that?

That Police team took Surya and me to Pattinampakkam Police Station and a Policeman took a photo of us and Inspector Rajeswari team handed over us to other police party and there were three policemen in it and they looked like special party from their activities. They took us in an auto-rickshaw to another place; while we were travelling in that auto-rickshaw it stopped at a traffic signal and one among them showed me my brother Vignesh's photograph from his mobile and asked me whether he is my brother? Then he said that my brother has died. He also added that my brother got fits and vomited in the morning before he could die. He asked us to leave the matter like that and said what had happened has happened and asked us to move on without any fuss.

I was shocked once I heard the message. Only two days before he came to my house and met me. Since his childhood he never suffered from fits and he does not have any other chronic diseases, I was confused as to how come he died? I couldn't believe and accept it. Immediately we were taken to the K2 Police station. They didn't allow us to get down from the vehicle. From there we were taken to G5 Police station. Our cell phones were confiscated by the Police. My brother Surya and I were in the same room, but we are not allowed to speak to each other.

The Police gave us lunch and I ate a little whereas my Younger Brother Suriya did not eat. We were kept in a separate room. After some

time my brother Veera was also brought into that room. In the evening, three Policemen and the higher officials came there one of the officials name is Mr. Mohandoss, Inspector of thousand lights Police Station.

At around 400 PM Inspector Mohandass was present in the G5 Station that time one sub-inspector in mufti and four other policemen were there with him. Though I do not know their names I can identify them. The inspector came to us and told Veera, though he knew that he is a murder case accused he is allowing him to sit and treating him as equal as others over there but threatened him by saying, 'If you do not listen to what I say, you will land in prison' and he was also threatening him that he will beat him up if he disobeys'. That time the sub-inspector who was clad in civil clothes talked to us as if he is trying to settle the matter by himself said whatever happened has happened, we cannot revert back, accept the money given and use it for the funeral ceremony and leave the matter to pass.

Inspector Mohandoss then made a phone call and talked to Mr. Ranjith, the owner of the horse which my brother Vignesh rode. Then he put me over phone to talk to Mr. Ranjith; he advised us to take the money that the police is giving and leave the unfortunate incident that happened to us regards the death of my brother. He also said he had asked the police to give Rs.1,00,000/- (one lac) for the peaceful cremation of his brother Vignesh. Mr. Ranjith is a man who supports us in our difficulties. Then the Sub-Inspector in plain clothes who travelled with in the auto came near us and asked whether we belong to The Scheduled caste and he threatened us and said Inspector Mohandass will be nice if we accept the money and leave the matter since it cannot be reverted and if we refused the money Inspector would beat us to death. All us were frightened at that point in time and decided to leave the place by heeding to whatever the police were saying. First the policeman gave me a bunch of 500 rupees notes and said there is Rs.50,000/- (fifty thousand) in it and later he gave another bunch of 100, 200 and 500 rupees notes and said there is Rs.50,000/- (fifty thousand) more; they gave us a total of Rs.1,00,000/-. We were literally scared and got the money but even today I have not spent a single paisa from it.

After that, an ununiformed person told us that he is a Sub-Inspector, while we travelled in an auto. Whether are you belonging to the S.C. community, he asked us. I said, yes. If I refused to receive the amount from the police, then Mr. Mohandoss will beat and kill me. So I decided to accept the amount with a frightened mentality. He gave me a bundle of Rs 500/- notes. He said that there is Rs 50,000/-. After half an hour ununiformed police gave me Rs 100, Rs 200, and Rs 500 notes for the sum of another Rs 50,000/-. Totally they have given Rs 1,00,000/-. I have not spent any money from the amount till now. I have decided to hand over the money to the CM or the Judicial Magistrate.

The three of us were taken in a car to accommodate us in a nearby mansion. We slept there. We were again taken to the G5 station the next day morning at around 10.00 am. by car. My aunty Ms. Muniamma along with my younger brothers Mr. Sathya and Mr. Vijay came to the G5 station. My aunty, younger brothers Mr. Suriya and Mr. Veera were crying loudly. There was a policeman who threatened them to not make noise; otherwise, we will arrest all of you. My aunt was not allowed us to talk to our uncle.

I and my brother Mr. Vijay was taken to the Hospital, Keelpaukkam. The police said that he will send me to meet the Magistrate; he will talk to me and asked me to go and talk with him. I clearly explained to him that there are no chances for my younger brother to die naturally; I have doubts about his death. He noted all the information which I had shared with him.

Later he showed my brother Mr. Vignesh's body to me only. There were so many scars on his whole body, specifically on the shoulder, on his face, and the joints of the fingers of both hands. His jaw was seen broken and severely damaged. The Judge and a policeman were with me while I was seeing my brother's body. Along with us, a person was taking videography of the body. Angrily I said that I will not leave this matter, I will go to the media and publicize the issue. A policeman looked at me and said, your brother threatened me with a knife to save our life we had beaten him, he died, what shall we do? He also asked us to burn the body. Once I saw my brother's body, then I was weeping deeply. We never cremate the body, because burial

is our custom, so we won't burn my brother's body, if you force me to burn the body then I will commit suicide, I said. But the policemen were pressuring us to burn the body. Then I requested the Judge to help me to get my brother's body for the burial ceremony.

After the post-mortem around 04.00 pm, they got signatures on a few papers. But they didn't hand over my brother's body. The police didn't allow my relatives to see my younger brother Mr. Vignesh's body. The policemen had taken my aunt, uncle, and my two younger brothers to the Krishnampettai burial ground by a police vehicle. We were taken to the burial ground in a separate police vehicle. Before we reached the place, there were plenty of policemen accumulated there. We were not allowed to do any formal rituals for my brother. We were also not allowed to see my brother's face and cry before his body's burial in the ground. Urgently they buried the body and went off. The whole burial ceremony expenses were met out by the policemen. My aunt, uncle, and relatives were shown my younger brother Mr. Vignesh's body first only at the burial ground. It was around 05.00pm. We went home by walk. Policemen had been gathered at the burial ground.

The next day I received a phone call from a Sub-inspector to help him to find out an auto driver, who is related to this case was missing, could you help me to find out?, he asked. I have lost my brother, so why should I go and help them, I refused to go. I had to seek asylum to safeguard myself from police torture, so I am staying in a safe place. My younger brother Mr. Vignesh brutally attacked by the police had died. Necessary action must be taken by the competent authority on the police personnel involved in this issue, he prayed finally.

**Mr. Prabhu (40) S/o Mr. Gunasekaran**

**(Statement of witness)**

My name is Prabhu (40). My father's name is Mr. Gunasekaran. I am working as an auto driver. I am belonging to SC community. I am residing at Door No:80, Block No: 150, Perumbakkam, Chennai – 600100. My wife's



name is Ms. Geetha. We have three children. First daughter is Ms. Saranya (21) completed her schooling and is working in a private company. Second daughter is Ms. Pushpa (20) got married. Third is son Mr. Thamodharan (18). He completed his 10<sup>th</sup> standard and is working in a bike company.

I was returning from Retteri trip to Triplicane on 18.04.2022 around 10.45pm. While I was crossing the Paadi Bridge, there was a person who stopped my auto. I stopped the vehicle. Two persons were standing there. Mr. Suresh and Mr. Vignesh stopped the vehicle. I knew them earlier and they are residing at Triplicane. I asked Mr. Suresh, why are you standing here? I came here for work, he replied. He asked me to drop him at GH. So I took them in my vehicle. Policemen stopped my vehicle near Kellys signal. I stopped my auto. It was around 11.00pm. There was a policeman along with a Sub-Inspector. The SI asked me, from where did you pick them up? From Paddi Bridge I picked up them, I replied. He asked me, where are you going. I said I am going to GH to drop them. Do you know both of them who are sitting in your vehicle? I said, they are passengers only, I don't know them sir. Then SI enquired Mr. Suresh, he showed his leg injury and said that he is going to the GH for treatment. He asked his name. He changed his name and said his name is Ramesh. He asked both of them to remove their mask. The SI immediately took a photograph of Mr. Suresh from his mobile. Quickly he downloaded all the information about him from the web. He found and collected his real name and previous case details on the spot. He checked Mr. Suresh. He didn't have anything. Then he checked Mr. Vignesh and took a knife from him. They made a call to another police to come there. They came with the Police vehicle. A policeman came there. Three of them were beaten up alternately. There was a shed setting up work was going on nearby Vasanth & Co and Metro at Kellys, Policemen took wooden cudgels from there and beat them severely. I didn't do anything wrong, please leave me; I am unable to bear the pain, he shouted. Policemen have not listened to his cry. I don't know the name of the policemen but I could identify them. Policemen have beaten up Mr. Suresh also but not as much as Mr. Vignesh got ill-treated and affected. Because he got an injury on his leg, I assumed. Both of them were severely beaten up by the policemen up to 02.00 am.

They could not walk. Four wooden cudgels were broken down. There was a police vehicle that came around 02.00 am. Both Mr. Suresh and Mr. Vignesh were taken into the vehicle. They asked me to come to the station. I took my auto and followed the police vehicle and reached K2 station. The station was very dark. We were taken by lift to a room upstairs. Mr. Suresh and Mr. Vignesh were kept in a lock-up. A policeman asked me to give a written letter about the trip of Mr. Suresh and Mr. Vignesh pick-up. I told him that I don't know to write. Immediately he wrote a letter on my behalf for me and got my signature from me. They have taken a photograph of me and my auto. They asked for my license. I told them that I kept it at home. I was there at the K2 police station on 19.04.2022 up to 03.10am. I saw that Mr. Suresh and Mr. Vignesh both of them were kept in the lock-up, while I left the station.

I met Ms. Karpagam, mother of Mr. Suresh at Triplicane around 10.30am. I informed her that her son Mr. Suresh was kept in K2 police station. She asked me to take her to the station immediately. I took her to the station. I dropped her and went near the Iynavaram bus stop. After one hour she came to me and said that policeman said Mr. Suresh was not there. I repeatedly asked the policeman, they said that my son is not there. So I came back, she said. I told her that I dropped Mr. Suresh and Mr. Vignesh both of them at the station yesterday night. Policemen are saying lies, I said. Then we don't know what to do. So we came back home. I was worried. I couldn't sleep for the whole night. I took Mr. Vignesh alive to the station in my vehicle, he is no more today, I will come and say the same incident at any place, he said.

**Statement of Ms. Karpagam (51), W/o Mr. Ganesan**

**(Mother of Mr. Suresh who tortured by the Police)**

My name is (51). My husband's name is Mr. Ganesan. I am belonging to Parayar community. I am residing at 144/51, Viktoriya hostel backside, Thiplicane, Chennai. We have three kids, namely Mr. Suresh (28), Mr. Surendar (26), and Ms. Deepa (22). Ms. Deepa got married to Mr. Vijay, who

is the brother of Mr. Vignesh. I am selling flowers and earning money for my livelihood. My husband is an auto driver.

On 19.04.2022 around 10.00a.m. Mr. Prabhu (40), S/o Mr. Gunasekaran, our area auto driver said that yesterday your son Mr. Suresh and his friend Mr. Vignesh both were getting into my auto nearby Paadi bridge while I am returning from my Retteri trip. The Police stopped my auto nearby Kellys signal and beat them then taken to the police station. They were kept in K2 police station. I asked the auto driver to take me to the police station; I also said that I will pay the auto charges. Then he dropped me near the K2 police station on 19.04.2022 around 10.30 am. But Mr. Prabhu was scared to come to the police station, so he didn't come.

I entered the K2 station. There were two, three policemen. I don't know their names and designations. But I could identify them. I told a policeman that I am the mother of Mr. Suresh; my son was taken by the police and kept in this station since yesterday night. I want to meet him, I said. He replied that nobody is here in that name. He asked me to clear the place immediately. I was hesitating to leave the place immediately. The auto driver won't tell lie, then I asked the police again. He also repeated the same answer. I was waiting there at the station for half an hour. There is no response from the police personnel. So I returned home.

After I returned from the station, my son didn't reach home. The next day morning one of our area boys said that Mr. Vignesh died due to suffocation. He showed paper news from his mobile. I fainted and fell down immediately. Then the neighbors came, sprayed the water on my face, and woke me up. Then I heard that my son Suresh was taken to prison. So I went to the Puzhal prison to meet my son and gave a petition to meet him on 26.04.2022. They asked me to come next day. Again I came home.

### **Recommendations**

#### **Human Rights Violations for Mr. Vignesh**

1. On 18.04.2022 at 11.00 pm in the Kellys area three policemen stopped the auto in which Vignesh and Suresh travelled thereafter

they were brutally tortured continuously till 2.00 am the next day with hands and batons caused injuries to various parts of the body. This is a torture that has taken place against many judgments of the Supreme Court of India and against the United Nations declaration against torture. The other two policemen who came after hearing this and were involved in the torture will also be held responsible.

Neither the relatives of Vignesh's family nor the relatives of Suresh's family were informed by the police that both Suresh and Vignesh were taken into police custody and arrested on 18.04.2022 at around 11 pm.

2. 2. The K-2 Ayanavaram Police Inspector arrived in his own private vehicle from the place where they were arrested (Kellys). So since the torture that took place on the road for about 3 1/2 hours at night is not likely to take place without the knowledge of the Inspector of Police, Assistant Commissioner of Police and Deputy Commissioner of Police in charge of night patrol. Also it is not likely to take place without the knowledge of the night patrol police. Therefore they all are responsible for this human rights violation and so they too should have been laid off.
3. While the assembly is in place the protocol is that the arrest should be informed to the higher police officials who are in charge of the four police zones in the state. Chennai Metro City Police Commissioner Mr. Sankarjival should also be held responsible for the incident which took place within the confines of the Chennai Metropolitan Police. The arrest was made in violation of several orders of D.K.Basu judgment and in violation of the National Human Rights Commission's guidelines for arrests, especially under sections 41B, 41C, 41D, 46, 50A and 60A of the Criminal Procedure Code, 1973 is a violation.
4. On 19.04.2022 at around 3 am K2 Ayanavaram Police Station, Vignesh was unable to walk, he was taken to the first floor using the existing lift, auto driver Prabu was also there. It is an illegal human rights violation that both Vignesh and Suresh who got severe

injuries kept in a room at the K2 Ayanavaram apolice station without taking them immediately for medical treatment, contrary to the judgment of the Supreme Court and the guidelines of the National Human Rights Commission and Criminal Procedure Code. It is further infringement that the information about the arrest of both of them was not informed to their relatives by the police in charge of the K2 Ayanavaram police station.

5. Vignesh and Suresh have been subjected to a series of tortures at the police station. Vignesh, who was in custody for no apparent reason, was taken from the K2 Ayanavaram Police Station to the G-5 Secretariat Quarters Police Station after breakfast and tortured there. The fact that he died while being taken to a private hospital but police did not mention the name of the private hospital but mentioned Kilpauk Government Medical College Hospital is a further human rights violation. After Vignesh died at G5 police station, Suresh, who was at K2 police station, was taken to G5 police station.
6. Suresh's mother Karpagambal came to know about the incident only after the death of Vignesh at once she went to K2 Ayanavaram police station along with the auto driver Prabhu on 19th April 2022 at 10.30 a.m. She waited for a while in the police station, thereafter the police responded to her that Suresh was not there, which is a blatant violation of human rights.
7. Did Suresh appear before the doctor on 19.04.2022? Were the injuries on his body registered by the doctors at the hospital? Has proper medical evidence been obtained for injuries in the body? Was the report submitted to the Chennai Metropolitan Criminal Judicial Magistrate along with the doctor's statements? Is this information stated in the remand report of the Metropolitan Criminal Judicial Magistrate? Not knowing the presence of injuries and not mentioning them by the Metropolitan Criminal Judicial Magistrate is tantamount to what Sathankulam Criminal Justice Judicial Magistrate Saravanan did. The rules to be followed when an arrested person is produced

before a Magistrate are not fully followed. This process even continues today. It is noteworthy that this has taken place in the Chennai Metropolitan Criminal Court, which may be in the eye of the beholder of the Chennai High Court.

8. When Suresh was taken to the II Central Jail on 19.04.2022, the Superintendent of Prisons and the Deputy Director General of Prisons (DIG) who supervised the prison should be held responsible for not taking him to Stanley Hospital or any other reputed hospital from the 19<sup>th</sup> to the 27<sup>th</sup> night knowing that he needed proper treatment.
9. Not only the prison authorities but also the Director of Prisons should be held legally and morally responsible for not taking Suresh to Stanley Hospital till the night of 27.04.2022 even after the news of the announcement by the Hon'ble Chief Minister in the Assembly on 26.04.2022 that Suresh should be given good treatment was published in all the newspapers and televisions.
10. On the same day (19.04.2022) after Vignesh's death, police forced his brother Vijay's house owner to vacate the house thereafter Pattinapakkam police Inspector Rajeswari went to the house of Vignesh's brother Vinod while he was taking soap bath and he was stopped and not permitted to complete his bath and taken as a criminal even not respecting his right to privacy. The inhuman act of Pattinapakkam Police Inspector Rajeswari caused a stir in the area where he lives. It is an act of human rights violation. Who trained these officials in the police force? The arrest by Pattinapakkam Police Inspector Rajeswari and the policemen who came with her without even giving the information that his brother Vignesh, one of Vinod's family members is dead, is reprehensible and should be punished. This is a crime of human rights violation.
11. Ms. Rajeswari, Inspector of Police does not have the guts to inform us that Mr. Vignesh has died in the station itself at Pattinapakkam station. Is her entry has registered in the General Diary (GD)? Who are they, three un-uniformed policemen in the station? Are they members

of the Chennai City Intelligence Section? Mr. Vinoth was informed about Mr. Vignesh's death information by one of the three persons. The policeman showed Mr. Vignesh's image from his mobile, is this the procedure of the police department to inform the family members of the victim? Mr. Vignesh's brothers were taken from Pattinambakkam station up to G-5 Secretariat Colony Police Station. They were kept there for a long time, without allowing them to see his younger brother Mr. Vignesh's dead body. It was not taken to the knowledge of the Hon'ble CM by the competent authority, it makes ashamed to Mr. Udhayanithi Staling, MLA of what happened without his knowledge in his Constituency jurisdiction.

12. Mr. Mohandoss, Inspector of Police, F-4, Thousand Lights Police Station brought both Mr. Vinoth and his younger brother to the G-5 police station from Pattinambakkam. He gave a bundle of Rs 500/- notes of Rs 50,000/- to Mr. Vinoth. An ununiformed policeman gave him Rs 100, Rs 200, and Rs 500 notes for the sum of another Rs 50,000/-, they have given him two bundles of money. The policemen were well planned and gave the money through their owner Mr. Ranjith. Over the phone, he convinced Mr. Vinoth to get the amount for Mr. Vignesh's funeral ceremony. Doesn't know the action of the Inspector Mr. Mohandoss by the City Commissioner? Was he not informed by the Intelligence Bureau officials? Has it happened without the knowledge of the Police Commissioner? Doesn't know the ADGP who is involved in the various investigation process of the Intelligence Department about this massacre? Otherwise, whether the wrong information had been given to the CM to speak in the assembly session was held?
13. Both brothers of Mr. Vignesh were under illegal custody at G-5 Police station on 19.04.2022, they were not even allowed to see his younger brother Mr. Vignesh's dead body. without parents / without shelter / without Aadhar card / without ration card / why not, even without voters identity card, is this the Police Officials of Tamil Nadu capital,

Chennai gave a highly disrespected treatment? Who allowed to all these happened in the jurisdiction of the son of Hon'ble CM, Mr. Udhayanithi Stalin, MLA?

14. Mr. Vinoth only allowed see his younger brother Mr. Vignesh's body at Keezhlpakkam hospital mortuary on 20.04.2022, before that his mobile was taken by the policeman. He was not allowed to take a photograph of Mr. Vignesh.
15. The family members were not allowed to see and take a photograph of Mr. Vignesh body, even though the Chennai High Court had given an order, why the Metropolitan Magistrate Mr. Ingarsol also didn't inform them? Is this not contempt of the High Court Judgement? The post-mortem report and copy of the video clippings must be given to the family members to allow to build confidence, because their cell phones acquired by the Policemen.
16. Why this 18<sup>th</sup> April 2022 police brutal torture incident was not discussed in the assembly till 26<sup>th</sup> April 2022? Even the opposition parties have discussed and talked about the issues related to the protection of the Tamil Nadu Governor, to talk about the custodial death of Mr. Vignesh in the assembly was not permitted by the Hon'ble Speaker why? Is there any reason behind this? Or is there caste discrimination even in the assembly? Is this the command over to the Director of Police Department and Deputy Director of Home Affairs to remain silent? Or else, somebody else ordered them, a question arises. What is the reason? Why this delay? It shocked us, why the Home Affairs even didn't use his 110 power to discuss the issue which was published in the police paper news, in the assembly? Is there any special reason for delaying the treatment process for 27.04.2022, even the Chief Minister has recommended on 26.04.2022 to take action for the further special medical treatment in the assembly? Then Mr. Suresh was shifted to Stanley Medical College Hospital. Is the Prison authority working lazy? if there is nothing happened, Why the Government or Police Department did not release



the footage of the Iyanavaram, Secretariat Police stations' CCTV cameras not published till today transparently? Is the police department not obeying the CM's order? Is the situation for CM, who is responsible for the Police Department? If the police department is like this, Torture free Tamilagam! Custodial deaths free Tamilagam! Encounter free Tamilagam!, how can our CM ensure the public?

17. Even the DGP recommended the CBCID inquiry on 21.04.2022, why was not the name of the Inquiry Officer announced? Why was Mr. Vignesh FIR filed under Cr.P.C.176 (A) and the FIR of Mr. Suresh not uploaded on the Police Department website? What is the secret there?

18. Altogether, the Chennai High Court, State Legal Aid Commission, State Human Rights Commission, newly constituted the Commission for SC/ST under the leadership of retired High Court Judge of Chennai are they keeping silent till now in this critical situation? Even though they have the power to take a suo-moto action for this human rights violation, why are they still refusing?

### **Chronological brief of the case of Custodial death of Mr. Vignesh**

<b>S.No</b>	<b>Date</b>	<b>Incidents</b>
1.	18.04.2022	<p><b>Night: 11.00</b></p> <p>Vignesh, Suresh &amp; auto driver Prabhu were stopped at the Kellys signal and were brutally tortured by the police officials.</p> <p><b>Night: 11.00</b></p> <p>Like three members, horse owners Ranjith and Maan reached Kellys signal through share auto. Ranjit agreed that Vignesh was working for him. Then the police torture continued.</p>
2.	19.04.2022	<p><b>Early Morning 2.30</b></p> <p>Vignesh, Suresh and Prabhu were taken to K2 Ayanavaram police station.</p> <p><b>Early Morning 3.00</b></p>

		Auto driver Prabhu returned to his home from K2 Ayanavaram police station.
3.	19.04.2022	<p><b>Morning</b></p> <p>Breakfast was given to Suresh &amp; Vignesh at the K2 police station. Then Vignesh was taken from the K2 police station to the G5 police station. After continuous torture at the G5 police station, he fell sick. Immediately he was rushed to a private hospital and later to the Kilpauk Government Hospital. While he was on the way to the hospital, Vignesh died.</p> <p>On the same day morning at 10 o'clock, Prabhu was shifted from the K-2 police station to the G-5 police station. From the G-5 police station, Prabhu was taken to the court and then was remanded and lodged in Puzhal II prison.</p>
4.	19.04.2022	<p><b>Morning 10.30</b></p> <p>Suresh's mother, Karpagammal was searching for Suresh using Prabhu's auto in the K-2 police station based on the information given by Prabhu. The police officials refused permission to Karpagammal to meet Suresh.</p> <p>On the same day at around 10.00 a.m Pattinapakkam police station inspector Rajeswari took Vinoth who was bathing at his Pattinapakkam house to the police station. Vignesh's brother Vijay and Vinod were taken to the auto to the G-5 Secretariat Colony police station. While on the way to the G-5 police station they were informed that their brother Vignesh had died in police custody.</p> <p>Vinoth's other brother was also brought to the police station. Thousand light police station inspector Mohandass handed over one lakh rupees as 2 bunches</p>

		of 500 rupees notes to Vinod and told him to spend this amount for Vignesh's funeral. The same night all of them were picked up from the G-5 police station and arrangements were made to sleep in a nearby mansion.
5.	20.04.2022	<p><b>Morning</b></p> <p>They were taken from the mansion to the G-5 police station. Then, they were taken from the G-5 police station to the Kilpauk Government Hospital. At around 12 noon only Vinod was allowed to see Vignesh's body. At that time Judicial Magistrate Ingersoll was also present.</p> <p>150 police officials were escorting Vignesh's family members to the cemetery on the same day. The family members were not only disallowed to see Vignesh's body but also not allowed to take Vignesh's body into their home.</p> <p><b>Evening 5.00</b></p> <p>After Vignesh's funeral, the family members were allowed to go home.</p>
6.	21.04.2022	<p>DGP C Sylendra Babu announced that Vignesh's case is transferred to CB-CID and also that 3 police officials were suspended.</p> <p>Adv. Santhakumar, Suresh's advocate, tried to meet Suresh in Puzhal prison, but he could not meet Suresh in the prison. The police officials went to auto driver Prabhu's house and searched for him. The police also searched for Vinod and his family members in several places.</p>
7.	22.04.2022	<p><b>Morning</b></p> <p>Karpagammal, Suresh's mother, was trying to see her son in Puzhal prison. Suresh was going to be produced before the court so they were not allowing Karpagammal</p>

		<p>to see her son.</p> <p>Adv. Henri Tiphagne, Executive Director of People's Watch sent a separate petition to: 1. The Hon'ble Chief Justice of the Madras High Court, 2. The Chairperson, The Tamil Nadu State Human Rights Commission, 3. The Executive Chairman, Tamil Nadu State Legal Service Authority and urged Suo Moto action against the custodial death of Vignesh individually through e-mail.</p>
8.	25.04.2022	<p>When the Chief Justice of Madras High Court visited Madurai, a petition was filed in Madurai asking him to take the Suo-Moto case through the Registrar of the Madras Bench of High Court Madurai.</p> <p>Adv. B.S. Ajeetha, Vinoth's advocate, asked the Chennai Commissioner to give them CCTV footage within 24 hours to which there is no reply so far. And also requested the Dean of Kilpauk Government Hospital to give Vignesh's post-mortem report and post-mortem video.</p>
9.	26.04.2022	<p>The Dean of Kilpauk Government Hospital replied by stating to come with Vignesh's relatives to get his autopsy report and video.</p>
10	26.04.2022	<p>Suresh's mother Karpagammal tried to meet her son in Puzhal prison, but she could not see her son.</p> <p>Prof. Jawahirullah, Mr. Velmurugan, Aloor Shanavas and opposition political party leaders called the attention motion regarding the custodial torture death of Vignesh in the Tamil Nadu State Assembly.</p> <p>While responding to the call attention motion moved by the political party members, the Tamil Nadu Chief Minister announced a compensation of Rs. 10 lakhs to</p>

		Vignesh's family members and also informed the Assembly that the government would bear the medical expenses of the treatment provided to Suresh.
11	27.04.2022	Vinod went to meet the Dean of the Kilpauk Government Hospital to ask for the autopsy report. But the office was closed.
12	27.04.2022	Suresh's mother Karpagammal went to Puzhal to meet her son, but her attempts were denied.
13	28.04.2022	<p>Adv. B.S. Ajeetha mentioned the Madras High Court in front of Justice P N Prakash regarding filing writ petitions on behalf of Suresh's mother Karpagammal. At the intervention of the High Court judge, The Public Prosecutor informed that Suresh was being admitted to the Stanley Hospital. Therefore, the writ petition was not filed.</p> <p>For the first time after so many interventions, Suresh's mother saw Suresh from a distance at Stanley Hospital.</p>
14	29.04.2022	<p>Adv. P B Mohan and Adv. B.S. Ajeetha appeared before the Metropolitan Magistrate Court No. 2 with Mr. Vinod, brother of Vignesh, and filed a petition for the return of the amount of Rs. 1 Lakh paid by the Police officials. The Magistrate assured after issuing a summons and getting the statements from Mr. Vinod.</p> <p>A petition was filed before the Tamil Nadu State Commission of the Scheduled Castes and Scheduled Tribes to take action on the custodial death of Vignesh by his brother Vinod.</p>
15	30.04.2022	Vinod and his brothers received Rs. 10 lakh compensation from the District Collector, Chennai.



**From:** Henri Tiphagne <[henri@pwtm.org](mailto:henri@pwtm.org)>

**Date:** Friday, 22 April 2022 at 12:57 PM

**To:** [regrgenl@nic.in](mailto:regrgenl@nic.in) <[regrgenl@nic.in](mailto:regrgenl@nic.in)>

**Subject:** Seeking suo moto action by High Court - Custodial Death of Vignssh in Chennai

**Most Urgent :**

To

The Hon'ble Chief Justice of the Madras High Court,  
High Court Compound,  
Chennai – 600104

Through,

The Registrar General,  
Madras High Court,  
Chennai

Esteemed and Most Respected Sir,

People's Watch is a human rights organization involved in human rights monitoring, intervention, legal assistance, mediation, human rights documentation, human rights publication, human rights training, human rights campaigning, networking, research and human rights education. We have been taking action on behalf of the victims from Tamil Nadu and around the country regarding blatant violations of human rights suffered by them. Our "HelpLine" is also a part of the service provided by People's Watch.

It is with utmost pain at heart that I bring to your kind attention the case of a " a death in police custody" that is alleged to have taken place in the G-5 Secretariat Colony Police Station leading to the death of a 25-year-old young lad who earned his living by taking people for horse rides at the Marina Beach, Chennai. This incident is alleged to have taken place on the night of April 18, 2022 when a young duo, Vignesh and his friend Suresh were taken into custody in the late night at Kellys by the night round police and tortured brutally using the police helmet, then rushed to a nearby private hospital and then taken into police custody at the G – 5 PS. One of them, namely, Vignesh is stated to have developed health complications in the morning and is stated to have died while being rushed to the Kilpauk

Medical College hospital. The death is stated to have taken place in the early hours of April 19, 2022 morning. The autopsy of the body was done on the 19<sup>th</sup> of April and the burial was also held on the same day. What is more surprising is that this has taken place when the Tamil Nadu Legislative Assembly is in session and there have so far been no discussions on the same. The second young man who is the only witness to the incident is now in judicial custody, having been remanded to judicial custody in the early hours of the same day ie 19<sup>th</sup> April, 2022.

The media has also largely remained silent on this incident and the family members of Vignesh are wailing that they were never allowed to see him in the G – 5 police station or later his body before or even after autopsy. All this is contrary to the extensive directions of the Hon'ble Madras High Court Bench at Madurai in the case of Santhosh v/s The District Collector, Madurai District and Others in W.P. (MS) No. 12608 of 2020 dated 02.12.2020 which is attached, wherein all guidelines of the Hon'ble Court related to custodial death, the process of how and by whom the postmortem in such cases is to be performed, the right of the kith and kin of the family to not only have access to the body but also the right it take photographs even before the autopsy commences and the right of the family thereafter to have the body retained in the mortuary till a copy of the post mortem certificate and videograph of the same are handed over to them for them to decide whether they need a second post mortem or not.

The last paragraph of the above judgment further directs that ***“the autopsy report should be prepared expeditiously and handed over to the investigating officer in the case so that the filing of the final report is not delayed. A copy of the autopsy report, as well as a video, should be simultaneously given to the legal heir or representatives of the family of the deceased. This alone will enable them to take recourse to legal remedies immediately. If after receipt of the autopsy report, the legal heir/representatives of the deceased family give in writing that they intend to move the High Court, the body shall be preserved in the mortuary for at least 48 hours. If the body is disposed of either***



***by cremation or otherwise in the meanwhile, the very purpose of holding a second post-mortem will be rendered infructuous. All of us know that hasty cremation in the tragic Hathras gang rape case led to controversy. It is in the interest of the police to take the family of the deceased into confidence and avoid rushing things through. They are stakeholders in the process and the police have to treat them accordingly***". Not only has all this been not been done in this case, but also the body was buried the same day contrary to the directions of the above-mentioned judgment and without the family being allowed to take the body to their house.

If today there is some semblance of the process of justice having been put in place in the case of the custodial death of Bennicks and Jayaraj, the credit for that largely is due to the suo moto intervention of the Madurai Bench of the Madras High Court headed by Hon'ble Thiru. Justice P. N. Prakash in the year 2020.

What is most shocking is the allegation that the post-mortem in this case of Vignesh took place in the presence of a Judicial Magistrate (enquiring the case u/s 176(1)(A) Cr.P.C. ) who did not adhere to the directions of the Madurai Bench of the Madras High Court before the commencement of the autopsy and after the autopsy was over.

Therefore, it is at this juncture, that I plead that the Hon'ble Madras High Court kindly takes suo moto cognizance of such a horrendous death in custody, allegedly arising out of injuries caused due to torture before the formal arrest, non-adherence to the mandates of the law to rush him for an urgent medical treatment which could have saved his life. The Judicial Magistrate could have upheld the majesty of law had he implemented the judgment of the Madurai Bench of the Madras High Court before and after the autopsy. May I, therefore, seek your goodself for initiating an urgent suo moto intervention in this matter which is already delayed.

People's Watch will stand obliged to your good self for such an intervention for the cause of upholding custodial justice.

I am also providing here for your reference, the links to the two news articles covering this incident, on 20<sup>th</sup> April in News Minute (<https://www.thenewsminute.com/article/chennai-man-dies-police-custody-family-alleges-torture-cops-163084>) and on 21<sup>st</sup> April in The Indian Express (<https://indianexpress.com/article/cities/chennai/chennai-youth-dies-in-police-custody-after-being-beaten-up-by-cops-7880790/>).

Yours Sincerely,  
Henri Tiphagne,  
Executive Director,  
People's Watch

Encl :

Order copy of the Madurai Bench of the Madras High Court in the case of Santhosh v/s The District Collector, Madurai District and Others in W.P. (MS) No. 12608 of 2020 dated 02.12.2020.

**From:** Henri Tiphagne <[henri@pwtn.org](mailto:henri@pwtn.org)>

**Date:** Friday, 22 April 2022 at 1:21 PM

**To:** [shrc@tn.gov.in](mailto:shrc@tn.gov.in) <[shrc@tn.gov.in](mailto:shrc@tn.gov.in)>

**Subject:** Seeking suo moto action by High Court - Custodial Death of Vignesh in Chennai

The Chairperson,  
The Tamil Nadu State Human Rights Commission  
'Thiruvarangam'  
143, P.S. Kumarasamy Raja Salai, (Greenways Road)  
Chennai 600028, Tamil Nadu.

Through the Registrar,  
The Tamil Nadu SHRC,  
'Thiruvarangam'  
143, P.S. Kumarasamy Raja Salai, (Greenways Road)  
Chennai 600028, Tamil Nadu.

Respected Sir,

People's Watch is a human rights organization involved in human rights monitoring, intervention, legal assistance, mediation, human rights documentation, human rights publication, human rights training, human rights campaigning, networking, research and human rights education. We have been taking action on behalf of the victims from Tamil Nadu and around the country regarding blatant violations of human rights suffered by

them. Our “HelpLine” is also a part of the service provided by People’s Watch.

It is with utmost pain at heart that I bring to your kind attention the case of a “a death in police custody” that is alleged to have taken place in the G-5 Secretariat Colony Police Station leading to the death of a 25-year-old young lad who earned his living by taking people for horse rides at the Marina Beach, Chennai. This incident is alleged to have taken place on the night of April 18, 2022 when a young duo, Vignesh and his friend Suresh were taken into custody in the late night at Kellys by the night round police and tortured brutally using the police helmet, then rushed to a nearby private hospital and then taken into police custody at the G – 5 PS. One of them, namely, Vignesh is stated to have developed health complications in the morning and is stated to have died while being rushed to the Kilpauk Medical College hospital. The death is stated to have taken place in the early hours of April 19, 2022 morning. The autopsy of the body was done on the 19<sup>th</sup> of April and the cremation was also held on the same day. What is more surprising is that this has taken place when the Tamil Nadu Legislative Assembly is in session and there have so far been no discussions on the same. The second young man who is the only witness to the incident is now in judicial custody, having been remanded to judicial custody in the early hours of the same day ie 19<sup>th</sup> April, 2022.

The media has also largely remained silent on this incident and the family members of Vignesh are wailing that they were never allowed to see him in the G – 5 police station or later his body before or even after autopsy. All this is contrary to the extensive directions of the Hon’ble Madras High Court Bench at Madurai in the case of Santhosh v/s The District Collector, Madurai District and Others in W.P. (MS) No. 12608 of 2020 dated 02.12.2020 which is attached, wherein all guidelines of the Hon’ble Court related to custodial death, the process of how and by whom the postmortem in such cases is to be performed, the right of the kith and kin of the family to not only have access to the body but also the right it take photographs even before the autopsy commences and the right of the family thereafter to have the body retained in the mortuary till a copy of the post mortem

certificate and videograph of the same are handed over to them for them to decide whether they need a second post mortem or not.

The last paragraph of the above judgment further directs that ***“the autopsy report should be prepared expeditiously and handed over to the investigating officer in the case so that the filing of the final report is not delayed. A copy of the autopsy report, as well as a video, should be simultaneously given to the legal heir or representatives of the family of the deceased. This alone will enable them to take recourse to legal remedies immediately. If after receipt of the autopsy report, the legal heir/representatives of the deceased family give in writing that they intend to move the High Court, the body shall be preserved in the mortuary for at least 48 hours. If the body is disposed of either by cremation or otherwise in the meanwhile, the very purpose of holding a second post-mortem will be rendered infructuous. All of us know that hasty cremation in the tragic Hathras gang rape case led to controversy. It is in the interest of the police to take the family of the deceased into confidence and avoid rushing things through. They are stakeholders in the process and the police have to treat them accordingly”***. Not only has all this been not been done in this case, but also the body was burried the same day contrary to the directions of the above-mentioned judgment and without the family being allowed to take the body to their house.

What is most shocking is the allegation that the post-mortem in this case of Vignesh took place in the presence of a Judicial Magistrate ( enquiring the case u/s 176(1)(A) Cr.P.C. ) who did not adhere to the directions of the Madurai Bench of the Madras High Court before the commencement of the autopsy and after the autopsy was over.

Therefore, it is at this juncture, that I plead that the Hon’ble Tamilnadu SHRC kindly urgent takes suo moto cognizance of such a horrendous death in custody, allegedly arising out of injuries caused due to torture before the formal arrest, non-adherence to the mandates of the law to rush him for an urgent medical treatment which could have saved his life. The Judicial

Magistrate could have upheld the majesty of law had he implemented the judgment of the Madurai Bench of the Madras High Court before and after the autopsy. May I, therefore, seek your goodself for initiating an urgent suo moto intervention in this matter which is already delayed .

People's Watch will stand obliged to your good self for such an intervention for the cause of upholding custodial justice.

I am also providing here for your reference, the links to the two news articles covering this incident, on 20<sup>th</sup> April in News Minute (<https://www.thenewsminute.com/article/chennai-man-dies-police-custody-family-alleges-torture-cops-163084>) and on 21<sup>st</sup> April in The Indian Express (<https://indianexpress.com/article/cities/chennai/chennai-youth-dies-in-police-custody-after-being-beaten-up-by-cops-7880790/>).

Yours Sincerely,  
Henri Tiphagne,  
Executive Director,  
People's Watch

Encl :

Order copy of the Madurai Bench of the Madras High Court in the case of Santhosh v/s The District Collector, Madurai District and Others in W.P. (MS) No. 12608 of 2020 dated 02.12.2020.

**From:** Henri Tiphagne <[henri@pwtn.org](mailto:henri@pwtn.org)>  
**Date:** Friday, 22 April 2022 at 1:24 PM  
**To:** [tnslsa@gmail.com](mailto:tnslsa@gmail.com) <[tnslsa@gmail.com](mailto:tnslsa@gmail.com)>  
**Subject:** Seeking suo moto action by High Court - Custodial Death of Vignesh in Chennai

To,  
The Executive Chairman,  
Tamil Nadu State Legal Services Authority,  
North Fort Road, High Court Campus,  
Chennai - 600104

Through the Member Secretary,  
Tamil Nadu State Legal Services Authority,  
North Fort Road, High Court Campus,  
Chennai - 600104

Respected Sir,

People's Watch is a human rights organization involved in human rights monitoring, intervention, legal assistance, mediation, human rights documentation, human rights publication, human rights training, human rights campaigning, networking, research and human rights education. We have been taking action on behalf of the victims from Tamil Nadu and around the country regarding blatant violations of human rights suffered by them. Our "HelpLine" is also a part of the service provided by People's Watch.

It is with utmost pain at heart that I bring to your kind attention the case of a "a death in police custody" that is alleged to have taken place in the G-5 Secretariat Colony Police Station leading to the death of a 25-year-old young lad who earned his living by taking people for horse rides at the Marina Beach, Chennai. This incident is alleged to have taken place on the night of April 18, 2022 when a young duo, Vignesh and his friend Suresh were taken into custody in the late night at Kellys by the night round police and tortured brutally using the police helmet, then rushed to a nearby private hospital and then taken into police custody at the G – 5 PS. One of them, namely, Vignesh is stated to have developed health complications in the morning and is stated to have died while being rushed to the Kilpauk Medical College hospital. The death is stated to have taken place in the early

hours of April 19, 2022 morning. The autopsy of the body was done on the 19<sup>th</sup> of April and the buried was also held on the same day. What is more surprising is that this has taken place when the Tamil Nadu Legislative Assembly is in session and there have so far been no discussions on the same. The second young man who is the only witness to the incident is now in judicial custody, having been remanded to judicial custody in the early hours of the same day ie 19<sup>th</sup> April, 2022.

The media has also largely remained silent on this incident and the family members of Vignesh are wailing that they were never allowed to see him in the G – 5 police station or later his body before or even after autopsy. All this is contrary to the extensive directions of the Hon'ble Madras High Court Bench at Madurai in the case of Santhosh v/s The District Collector, Madurai District and Others in W.P. (MS) No. 12608 of 2020 dated 02.12.2020 which is attached, wherein all guidelines of the Hon'ble Court related to custodial death, the process of how and by whom the postmortem in such cases is to be performed, the right of the kith and kin of the family to not only have access to the body but also the right it take photographs even before the autopsy commences and the right of the family thereafter to have the body retained in the mortuary till a copy of the post mortem certificate and videograph of the same are handed over to them for them to decide whether they need a second post mortem or not.

The last paragraph of the above judgment further directs that ***“the autopsy report should be prepared expeditiously and handed over to the investigating officer in the case so that the filing of the final report is not delayed. A copy of the autopsy report, as well as a video, should be simultaneously given to the legal heir or representatives of the family of the deceased. This alone will enable them to take recourse to legal remedies immediately. If after receipt of the autopsy report, the legal heir/representatives of the deceased family give in writing that they intend to move the High Court, the body shall be preserved in the mortuary for at least 48 hours. If the body is disposed of either by cremation or otherwise in the meanwhile, the very purpose of holding a second post-mortem will be rendered infructuous. All of us***

***know that hasty cremation in the tragic Hathras gang rape case led to controversy. It is in the interest of the police to take the family of the deceased into confidence and avoid rushing things through. They are stakeholders in the process and the police have to treat them accordingly***". Not only has all this been not been done in this case, but also the body was buried the same day contrary to the directions of the above-mentioned judgment and without the family being allowed to take the body to their house.

What is most shocking is the allegation that the post-mortem in this case of Vignesh took place in the presence of a Judicial Magistrate ( enquiring the case u/s 176(1)(A) Cr.P.C. ) who did not adhere to the directions of the Madurai Bench of the Madras High Court before the commencement of the autopsy and after the autopsy was over.

Therefore, it is at this juncture, that I plead that the Hon'ble Tamilnadu SHRC kindly urgent takes suo moto cognizance of such a horrendous death in custody, allegedly arising out of injuries caused due to torture before the formal arrest, non-adherence to the mandates of the law to rush him for an urgent medical treatment which could have saved his life. The Judicial Magistrate could have upheld the majesty of law had he implemented the judgment of the Madurai Bench of the Madras High Court before and after the autopsy. May I, therefore, seek your goodself for initiating an urgent suo moto intervention in this matter which is already delayed .

People's Watch will stand obliged to your good self for such an intervention for the cause of upholding custodial justice.

I am also providing here for your reference, the links to the two news articles covering this incident, on 20<sup>th</sup> April in News Minute (<https://www.thenewsminute.com/article/chennai-man-dies-police-custody-family-alleges-torture-cops-163084>) and on 21<sup>st</sup> April in The Indian Express (<https://indianexpress.com/article/cities/chennai/chennai-youth-dies-in-police-custody-after-being-beaten-up-by-cops-7880790/>).

Yours Sincerely,  
Henri Tiphagne,



Executive Director,  
People's Watch  
Encl :

Order copy of the Madurai Bench of the Madras High Court in the case of Santhosh v/s The District Collector, Madurai District and Others in W.P. (MS) No. 12608 of 2020 dated 02.12.2020.

**Recommendations:**

**A. Related to this Case:**

1. The DGP of the CBCID, who is involved in the inquiry, without any delay, must inform the name of the inquiry officer immediately. Only if we know the inquiry officer, then only immediately we could make the witnesses meet the concerned authorities to narrate the brutal police attack.
2. The police department must be registered the case in IPC 302 under sec (3) (2) (i) of SC/SC POA. Because both the torture victims Mr. Suresh, who was injured and died person who died Mr. Vignesh both of them were belonging to the SC community.
3. Persons who were involved in the incident that took place on 18.04.2022, CBCID intelligence department officers, temporarily suspended Sub-Inspectors, and two policemen who were must be arrested. In further, the person-in-charge for Kellys night rounds Inspector, Deputy Commissioner, Assistant Commissioner E2 Iyanavaram and G5 secretariat Inspectors, Pattinambakkam Inspector Ms. Rajeswari, and Thousand Lights Inspector Mr. Mohandoss are must be arrested.
4. Both the family members of Mr. Suresh and Mr. Vignesh and the witness Mr. Prabhu, the Auto driver's family must be given proper protection according to the Judgement of the Supreme Court and High Court under the Protection of the witness Act 2019. The Chennai Chief Sessions Magistrate should take suo-moto action to implement this, which the petition received from the respective victims

individually. The action has to take for giving protection to their residential areas as well as their working place.

5. CBCID without any delay immediately should collect all CCTV camera footages of the K2 Ayanavaram Police Station, the G5 Secretariat Quarters Police Station and the Pattinappakkam Police Station on the 18th, 19th and 20th under the jurisdiction of the Chennai Metropolitan Police Station, as per the Supreme Court order. This footage should be kept safely for investigation.
6. In view of the importance of this case, earlier the Chennai High Court had arbitrarily taken up the Satankulam Jayaraj-Pennix case similarly the Chief Justice of the Chennai High Court, should direct the Division Bench to take up the case itself in four sessions in May without any delay, even though the courts are on leave, moreover take this case into consideration and monitor the CBCID's investigation to ensure that no more such police torture and consequent police deaths occur.
7. The Chief Justice of the Chennai High Court has to direct the Protocol Judge (II) to proceed with the immediate administration of the Chennai Metropolitan Magistrate (II) hearing the Vignesh case 176 (1) (A) Cr.P.C. also need to investigate why the orders of Justice G.R. Swaminathan in the case of Santosh versus District Collector issued on 02.12.2020 have not been fully implemented in this case.

Vinoth, the elder brother of Vignesh was allowed to see the body of Vignesh in the mortuary, though Vinoth did not have a cell phone, why the Magistrate did not inform Vinoth that he can take a photo of his brother's body and also it is allowed to turn over the body and take a photo. Furthermore why the Metropolitan Magistrate Ingersoll did not inform the victim's family that a copy of the autopsy report and video should be given after the completion of the post-mortem then to take the body after informing the doctors who conducted it and getting no objection before receiving the body through the Dean. In the Sathankulam case, the Criminal Judicial Magistrates have been making the same mistake in other cases as the conduct of the case against Magistrate Saravanan has not been investigated. In this case, if the Magistrate Ingersol had acted in accordance with the

High Court order, Vignesh's family and their supporters would have obtained a copy of the autopsy report and a video copy of this case and examined it with the help of experts and would have petitioned the High Court for a second autopsy if they deemed necessary.

8. The Director of Medical Education should immediately inquire as to why the Dean and forensic doctors did not immediately give Vignesh's brother a copy of the autopsy report and video on the same day (20.04.2022) immediately after Vignesh's autopsy without any delay. The Director should issue a comprehensive and complete circular to all the Deans of all Medical Colleges and the Heads of Forensic Medicine Departments in Tamil Nadu, quoting all the orders contained in the judgment of the Chennai High Court Judge GR. Swaminathan, issued on 20.02.2020. We would like to point out responsibly that doctors who perform such post-mortem will be subject to contempt of court if this circular is not followed properly.
9. The Home Secretary of Tamil Nadu should immediately carry out quality counselling without any delay for the five brothers of Vignesh and their families who were affected.
10. The Chennai District Collector should take steps to allot a house under the government scheme to all the persons belonging to Vignesh's family who do not have Aadhar card, family card, voter card and place to live. A comprehensive rehabilitation program for the victim's family under the SC / ST Act has to be implemented. If there are government officials who do not take such action deliberately, a case should be registered against them under Section 4 of the SC / ST Act.

**II. Measures to be taken urgently by the Hon'ble Chief Minister in his capacity as the Minister in charge of the Police on the forthcoming Police Grant Demand to be held in the Assembly to stop the torture completely.**

We believe our Chief Minister after watching the movie 'Jai Bheem' cried, where gruesome custodial violence is depicted and the poor socio-economic status of the victims of police violence. The Chief Minister in his young age

when he was arrested under MISA he had experienced the excess of police while he was in the custody. We plead our Chief Minister to uphold Social Justice by presenting custodial violence and the loss thereafter putting an end to fake encounter in this civilized society governed by rule of law. To uphold rule of law we put forth the following recommendations.

1. In 2006 the Supreme Court of India Prakash Singh case directed the Government to have Police Complaints Authority and in 2013 the Tamil Nadu State Government in its Police Reform Act brought in State and District Police Complaint Authority and we demand implementation of the direction by appointing retired High Court Judge in the State and retired District Judge in the District Police Complaint Authority. The Police Complaint Authority should be sufficiently funded and to do proper investigation into the complaints there should be a well-equipped unit. So that if at all a complaint is lodged against a police immediate action is taken against the police and thereby ensure Tamil Nadu a torture free and nil police excess torture free state.
2. In 2021 Supreme Court in the case of Balbir Singh directed every police station, CBCID, CBI, NIA premises including every room in the building should have 24 hours working audio & video CCTV cameras to monitor and make the law enforcement accountable to the public. The CCTV footage should be stored and made available to public for 18 months. We demand that the State Government should allot enough funds to comply with the direction and cater to the public during the police demands for discussion of grant in this current Assembly session.
3. It is disappointing to note that the State Human Rights Commission which on 17.04.2022 completed its 25<sup>th</sup> year did not take Vignesh case Suo Moto and it explicitly shows the inability of its Chair and many posts in the Commission is vacant and investigation department of the Commission needs more police officers and information on human rights and information about the facing of the Commission

and cases need to be uploaded on the website. It is pathetic to note that about 4000 complaints received by the commission were not numbered and taken up for hearing. More than two thousand cases were not delegated to its members due to staff shortage. Even in many cases where decisions were made and recommendations were given to the Home Department of the State no actions were initiated against the erring police, though there are strict directions in vogue as per the judgment of the Full Bench Judge of the Madras High Court. If the State of Tamil Nadu wants to be a State upholding Social Justice then it should be a state free from all forms of human rights violations.

4. The newly constituted State SC/ST Commission should have the knowledge on United Nations Paris Principles which is the core objective of human rights institution and it is the right time to give an orientation to its functionaries. Though the Chair is a retired Judge he or she should be a team player in handling human rights issues. The need to take up cases Suo Moto and engaging itself in research and come out with its full report in the matter of human rights concern. The Commission should entertain third party representation of an issue rather than rejecting it as it is the present practice. So there exists a need not only for the SC/ST commission but for the Disability, Women, Children, Minority and Human Rights Commissions be given orientation on Paris Principles by International and National experts and it should be done immediately. We demand our Chief Minister to give priority in this matter during Law & Police demand for grants discussion.

### **C. Recommendations to Legal Aid**

1. The Tamil Nadu Free Legal Aid Board even 35 years back used to take up cases of custodial violence, police excess and extra judicial killings and file cases before the High Court and were pioneers in doing such initiatives now that practice does not continue and we demand the

Legal Services Authority to appoint senior advocates in such matters and take action against the perpetrator who violates human rights.

2. To prevent custodial violence and torture in police station, Legal Services Authority should appoint Lawyers to monitor the police station and their phone numbers and communication address should be displayed inside and outside of the police station. The advocates who are appointed should immediately report the incidents of police violence to the Committee and immediate action should be initiated. Only through multi-pronged approach in handling police custodial torture and human rights violation *Social Justice* could be realized in our State. So, we demand our Chief Minister these recommendations to create a State free from custodial violence and torture and thereby uphold Social Justice.