

**Addl. Dist. Sessions Court, Ramanathapuram**

Present Thiru W.Sadasivam M.A.B.L  
First Sessions Judge,  
Addl. Sessions Judge (FAC)  
Addl. Dist. Court  
Ramanathapuram

Thursday dated 14<sup>th</sup> February 2013

**SESSIONS CASE NO. 105/2007**

(The case was registered as No. 1/207 in Cr. No. 475/2002 at Paramakudi Town Police Station and committed to this court by the Chief Judicial Magistrate, Ramanathapuram)

(Cr.No.1/2009 of Superintendent of Police Organised Crime Unit, CBCID Madurai City)

Complainant	For State Superintendent of Police Organised Crime Unit CBCID Madurai City Cr.No.475/2002 Paramakudi City Police Station
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Name of Accused	<p>1.Sahul Hameed (59) S/o Mohamed Diwan Deputy Superintendent of Police, Sathur, Virudhunagar Dist. (under suspension)</p> <p>2.N.Kathiresan (64) S/o Nagarathinam Sub-inspector (retired) 5/665, A, Bharathipuram 12<sup>th</sup> Street Karuppayoorani, Madurai</p>
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	<p>3.V.Rajaram (53) S/o Vetri Head Constable 1675 Thirumangalam Taluk Police Station Madurai District (under suspension)</p>
	<p>4.K.Subramaniam (60) S/o Karuppaiah Head Constable 652 Paramakudi City Police Station (under suspension)</p>
	<p>5. Karunanithi (61) S/o Pasumalai Head Constable 712 Paramakudi City Police Station (under suspension)</p>

	<p>6.Irudhayaraj (62)  S/o Soosai  Sub Inspector (retired)  Ramanathapuram (under suspension)</p>
	<p>7.Arjunan (59) (Rtd.)  S/o Alagukone  Head Constable 750  Office of Deputy Superintendent of Police,  Paramakudi (under suspension)</p>
	<p>8. Rengachari (47)  S/o Naganathan  Head Constable 1704  Emaneswaram</p>
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<p>1<sup>st</sup> Charge  Accused 1 to 6</p>	<p>Accused 1 to 6, though know the procedures regarding criminal prosecution, without legally issuing summons and registering a case, illegally abused the official power against the suspected accused Karuppi and have committed the offence u/S 220 IPC</p>
<p>2<sup>nd</sup> Charge  Accused 1 to 6</p>	<p>Accused 1 to 6 illegally detained the suspected accused Karuppi between early morning of 28.11.2002 and 1.12.2002</p>

	have committed the offence u/S 342 IPC
3 <sup>rd</sup> Charge Accused 3,4,5	While suspected accused Karuppi was kept in the Police Station accused 3,4,5 beat her in several parts of her body and caused ordinary wound hence charged u/S 323 IPC
4 <sup>th</sup> Charge Accused 3,4,5,	As suspected accused Karuppi was beaten in several parts of her body, on 30.11.2002 she committed suicide out of shame by using the rope used to clean the rifle, by hanging on the southern side wall window gate. As the suspected accused was induced to commit suicide Accused 3,4,5 are charged u/S 306, r/w 34 IPC
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5 <sup>th</sup> Charge Accused 1 to 6 and 8	After suspected accused committed suicide on the orders of the first accused, Accused 3,4,5,6, & 8 conspired along with the accused 2 & 4 and suppressed their illegal act and to escape from the punishment and to tamper the witness Karuppi's body was made to hang on a

	<p>wireless tower behind the police station using a green colour nylon rope, as if she died of committing suicide by hanging from the tower.</p>
<p>6<sup>th</sup> Charge Accused 6 to 8</p>	<p>On the day of occurrence that is 30.11.2002 accused 7,8 and 6 were on duty and eye witnesses. A7 did not register the occurrence in the case diary. Accused 8 &amp; 6 were respectively in charge of the police station and the suspected accused. Though they were the eye witness to the occurrence they have failed to report the matter to higher authority hence charge u/S 202 IPC</p>
<p>Additional Charge (1<sup>st</sup> &amp; 2<sup>nd</sup> Accused)</p>	<p>Accused 1 &amp; 2 took the suspected accused Karuppi to the police station on 26.11.2002, 27.11.2002, 28,11.2002, 29.11.2002, 30.11.2002 and caused physical and mental torture thereby induced to commit suicide by hanging by a nylon rope and hence charge u/S 306</p>
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Counsel for Accused	Thiru S.S.Manoharan
Govt. Side Advocate	Thiru C.K.Venkatesan
Pleading of the Accused	Not guilty
Judgement	Found Guilty
Courts Judgement and Order	<p>As the charges have been proved beyond doubt by the state accused are found guilty and 1<sup>st</sup> and 2<sup>nd</sup> accused have committed the offence u/S 306, 201,220,342. The 1<sup>st</sup> accused is convicted RI for 10 years and a fine of Rs.1 lakh, in default of the payment of fine 2 years RI for offence u/S 306 IPC for offence u/S 201 his convicted RI for 3 years for offence u/S 220 RI for 7 years and for offence of the u/s 342 RI for 1 year. The Second accused is convicted RI for 10 years and fine of Rs.10,000 in default of payment of fine two months simple imprisonment for offence u/S 306 IPC, for offence u/S 201 3 year RI, for offence u/S 220 7 years RI and for offence u/S 342 1 year RI. Accused 3 to 5 are found guilty</p>

u/S 306 r/w 34, 220,342, 323,201. For 306 r/w 34 IPC each has undergo 10 years RI. For 220 IPC 7 years RI, for 342 IPC 1 year simply imprisonment, for 323 IPC six months simple imprisonment, for 201 IPC 3 years RI.

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Accused 6 was found guilty u/S 220, 201, 342,202. For offence u/S 220 IPC 7 years RI for 201 IPC 3 years RI for 342 IPC 1 year RI for 202 IPC 6 months simple imprisonment. Accused 7 is found guilty u/S 202 and convicted for simple imprisonment of 6 months. Accused 8 is found guilty u/S 201 and 202 IPC and found section 201 3 years RI, and for 202 6 months simple imprisonment.

Accused 1 to 6 and 8 have to undergo their conviction concurrently. The fine amount of Rs.1 lakh levied against the 1<sup>st</sup> Accused is awarded as compensation to the husband of the suspected accused Sonai PW2 the penalty to be paid by the

	2 <sup>nd</sup> accused is to be remitted to the Government.
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This case came up for enquiry today before this court in the presence of the learned Govt. Public Prosecutor Thiru C.K.Venkatesan and Adv. Thiru. S.S.Manoharan for accused and after hearing the arguments of the both sides, verifying the documents produced this court rendered to following

### **JUDGEMENT**

The Revenue Divisional Officer, Paramakudi preferred a private complaint u/S 200 Cr.P.C, as directed by the Tamil Nadu Government in G.O.Ms.No.65 Public (Law & Order) Department

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dated 12.1.2006 against accused 1. V.M.Sahul Hameed Inspector and accused 2 N.Kathiresan Sub Inspector u/S 307 IPC. The above case was filed on 6.9.2006 before Chief Judicial Magistrate Ramanathapuram and taken on file 14.3.2007. As the case was to be tried by the Sessions Court it was sent to this court on 6.8.2007 u/S 209 Cr.P.C. This was taken on file as case No. 105 of 2007 and transferred to Ramanathapuram Fast Track Court for enquiry. While it was pending PW 24 Henri Tiphagne filed Crl.O.P.3715/04 before the Madras High Court seeking the relief of transferring the case

registered as Crime No. 475/2002 in Paramakudi Police Station to CBI. The High Court ordered the case to be investigated by Madurai CBCID, Organised Crime Unit and based on that the investigation was made and charge sheet was filed u/S 342, 323, 306, 193, 201, 220 and 202 against the policemen employed in Paramakudi Police Station 1. V.M.Sahul Hameed Inspector, 2 N.Kathiresan, 3.P.Rarajam, 4.K.Subramanian, 5.P.Karunanithi, 6, Irudhayaraj, 7, Arjunan, 8, Rengachari on 24.10.2009. This Court vide letter dated 21.7.2010 under Section 193 Cr.P.C addressed to the High Court sought its

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opinion. The High Court vide R.O.C. No. 2522/2010/B3/MB dated 21.11.2012 permitted to proceed with the charge sheet submitted by the investigation wing.

2)DSP Organised Crime Unit, CBCID, Madurai Town has filed this charge sheet as Crime No.475/2002 of Paramakudi City Police Station u/S 342, 306, 193, 201, 220 and 202.

3)The deceased Karuppi was employed as a servant maid in the house of Prema who was residing in Kattu Paramakudi in Ramanathapuram district for 4 years before the occurrence. On 25.11.2002 the above said Prema who was a teacher when she had gone to School at Paramakudi and there was a theft in her house in which 49 sovereign of gold jewels, cash of Rs. 25,000, five wrist watches and a camera were found stolen. This was reported to the

Paramakudi City Police Station on 25.11.2002 at 5p.m and based on that, a case in Crime No. 455/2002 u/S 454, 380 IPC was registered. The accused 1 to 8 were on duty on that day at Paramakudi City Police Station. Based on the above complaint of Prema a case was registered as Cr.No.455/2002. Accused 1 to 6, though they were aware of the procedures to be followed, without any summon or arrest,

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illegally brought the suspected accused Karuppi to the Police Station on 28.11.2002 and kept her there till 1.12.2002 until she died. Accused 3,4,5 kept her inside the police station without letting her to go out anywhere and beat her with sticks thereby causing injuries and inducing her to commit suicide. On 30.11.2002 the suspected accused Karuppi by making use of the 'pull through' thread used to clean the rifle, committed suicide, inside the lock up, meant for women in the police station, by tying a knot in her neck and connecting the same on the window on the southern side. After the above incident on the orders of the 1<sup>st</sup> Accused, Accused 2 & 4 with the help of A 3, 4, 6 & 8 joined together and to suppress their illegal act, escape punishment, tamper witnesses, illegally took the body of Karuppi to the back side of the police station and tied her in wireless tower with a green colour nylon rope as if she committed suicide in the police tower. On the day of occurrence, i.e. 30.11.2002 Accused

7 was on duty to write diary. Accused 8 was on duty at entrance and accused 6 was incharge of taking care of suspected accused. Though they were the eye witnesses to the occurrence and duty bound to inform the occurrence to their superior officer failed to do it thereby helping the other accused. Therefore A1 and A2 are liable to be punished u/S 342, 306, 193, 201 and 220. Accused 3, 4 & 5 had committed

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offence u/S 342, 323, 306, 193, 201 and 220 IPC, accused 6 had committed offence u/S 343, 306, 193, 201 and 220 IPC, accused 7 committed offence u/S 202 and accused 8 committed offence u/S 201 & 202. The Deputy Superintendent of Police Organised Crime Unit, CBCID, Madurai has filed the charge sheet before this court.

4)The accused while appeared in the court. Arguments of both sides were heard. Documents of the case were perused. Revenue Divisional Officer Paramakudi Thiru. Lakshmi Kanthan had filed a private complaint making additional charges against 1 & 2 u/S 306 dated 20.1.2010. When the accused were questioned they pleaded not guilty. Accused 1 was charged u/S 220, 342, 306, 201, accused 2 was charged u/S 220, 342, 201, 306, accused 3 was charged u/S 220, 342, 201, 323, 306 r/w 34, accused 4 was charged u/S 220, 342, 323, 306 r/w 34 and 201, accused 5 was charged u/S 220, 342, 323, 306 r/w 34 and 201, accused 6 was charged u/S 220, 342, 201, 202,

accused 7 was charged u/S 202 and accused 8 was charged u/S 201 and 202 when the accused were questioned on the above charges they pleaded not guilty and said that the case has been falsely foisted against them. The case was taken up for examination of State side prosecution witnesses.

5) On the side of prosecution 31 witnesses were examined and 28 documents were marked and 1 material object was also marked.

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6)The case of the State as per the evidence of the prosecution witnesses are as follows:

PW1 Ravi has deposed that Prema teacher had said that the theft of jewels in her house had been committed by Karuppi. He accompanied Prema teacher to Paramakudi Police Station and prepared a complaint. Afterwards the public and Prema teacher took Karuppi to the Police Station. After enquiry she was asked to go. The next day Sub Inspector Natarajan when enquired Karuppi, she said that jewels were in a place and she would hand over the next day. The next day at 7.30a.m as Prema teacher requested the witness to accompany her to the police station he went there. The police said the Karuppi had not yet come. Therefore he went to Karuppi's house and found that she was not there. Afterwards when he went near the Police Station he found Karuppi hanging on the wireless tower and gave a complaint statement.

Prosecution witness PW2 Sonaiyan in his evidence had deposed that Karuppi was his wife and he was residing at Kattu Paramakudi and employed as driver of a cabbage vehicle. At 2p.m when he was coming in his cabbage vehicle he saw 2 policemen taking his wife and when he enquired them

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they said that there was a theft in the house of Priya (sic Prema) where Karuppi was employed and as they suspect Karuppi and they had taken her to the police station. Karuppi did not come home till evening and the witness sent word to his brother Govindarajan who was in Ponnaiathoppu. Govindaraj came after 10p.m and said that Karuppi is being enquired. Afterwards the sister of witness namely Arumugam and PW 1 Ravi accompanied the two policemen to the police station. The Association President Chandrabose was also informed of Karuppi being taken to the Police Station. When this witness went home at 9p.m he saw that the sand wall of his house had been demolished on all four sides and the important items and documents in the house were not found. PW 2 in his evidence had also stated that as he could not take his wife on bail he went to Kariapatti seeking help to his cousin. There he got the information that Karuppi's body had been brought to Paramakudi Govt. Hospital. This information was conveyed by one Alagar and he went to the Paramakudi Govt. hospital and found body of his wife kept before

the mortuary for post-mortem. There was a big crowd and in the melee he fainted.

Prosecution Witness 3 Christudass in his deposition had said the deceased Karuppi is her elder sister. He originally resided in Kattu Paramakudi with PW2 with his family. Afterwards he went to Ponnaiahpuram with his family.

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In the first month of 2002 a dispute took place between him and his wife and he had left to the house of PW 2 and settled at a place called Kuriyiruppu where he worked as a manufacturer of nets and maintained himself. On November 26 when he was standing before the tea stall a person pulled his shirt collar. When turned found he 4<sup>th</sup> accused Subramaniam. When he asked him the reason for pulling his shirt A4 told him that his wife had filed a case and ordered him to get into a jeep where he found his wife and his daughter Anita. The police took him to Kidiyiruppu and searched his house and brought him to PMK PS around 8.45 p.m PW3 in his evidence had said the first accused asked him to tell him the truth, remove his lungi and put chain in his legs and tied it to a big table and made him to sit there. He found there Karuppi with injuries and blood all over her body. When they said they would release him if he tells the truth he replied that he had not done anything. Next morning Wednesday 4<sup>th</sup> accused Subramaniam took impression of his fingers. 3<sup>rd</sup> accused

Rajaram said that if you had not committed any offence we will leave you otherwise you will beat you hang you on the wall. On Wednesday around 5 or 5.30 pm PW1, Prema teacher's younger brother came to the police station and abused using caste name. A5 Karunanidhi asked PW 1 and Prema teacher's brother to come to the bazaar that evening.

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Between 9-10p.m on that day A3 Rajaram A5 Karunanithi, A6 Irudhayaraj and A4 Subramanian brought a tub and made Karuppi to sit on that and beat her. Karuppi shouted saying that she did not steal anything and beating was taking place nearly an hour. Further he deposed that around 11'o clock they enquired whether he knew Balammal, D/o Karuppi. When he said yes, the next morning that is Thursday at 8a.m he was handcuffed and taken an a police jeep along with brother-in-law of Prema teacher, PW 1 Ravi, three policemen along with accused Subramani, Rajaram and jeep driver went to Puliyal. There they picked up Balammal and her husband in the jeep and reached Paramakudi Police Station via Kalaiyarkoil. The Sub Inspector told Balammal that her mother had stolen cash and jewels and enquire her. Then Karuppi promised and said that she never stole money or jewel. Accused 2 Kathiresan slapped Balammal's husband on his cheek when Balammal questioned why he is beating her husband he said that he would beat her also. He

made Karuppi to bend and beat her daughter Balammal and son-in-law Sonaimuthu. They detained him and Karuppi and let others go to come on the morning of next day. Further PW 3 in his evidence said he saw Natarajan 4<sup>th</sup> Accused Subramani, 5<sup>th</sup> Accused Karaunathi, 3<sup>rd</sup> Accused Rajaram stood around Karuppi and beat her with plastic pipe

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and she is swooned. 3<sup>rd</sup> accused Rajaram brought water in a jug and requested to wash her face. He washed the face of Karuppi. As usual he was handcuffed and made to sit. Friday morning Karuppi's daughter Balammal, wife of the witness Arumugam and daughter Anitha came to the police station and spoke to Karuppi. Karuppi denied. Around 11a.m Balammal and her husband were requested to go to their place. Around 4p.m Arumugam and Anitha were asked to go home and bring dress for Karuppi. Around 6p.m the wife of witness came to the police station with a saree and helped Karuppi to change it after a wash in the bathroom. An ointment was given to the wife of witness to be applied to Karuppi. The witness said that his wife sent away by the police to come on Saturday and even then the chain was there in his legs. PW 3 in his further evidence has deposed that he was in the police station till 9p.m his hands were twisted and tied by Accused Natarajan. As a villager certified that the witness is a good person, the police called his wife around 9.30p.m and advised

her that they should not fight hereafter and sent him along with his wife. He was unable to walk and his wife helped him to go upto Ottapalam from where a boy carried him in a cycle to his village.

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On Sunday morning when he went to out to attend nature's call a policeman came in a motorcycle, took him to the police station and said that his sister has been beaten to death. PW3 has further deposed in his evidence that the wireless tower is situated in a place where nobody can easily go and Karuppi in her bad condition and immobilisation could not have gone into that thorny place and committed suicide by hanging. This was done only by the police and when the body was in mortuary the police made arrangement for cremation. When I shouted that the police had committed the unjust act the nearby villagers and general public communist cadres came and stopped the post mortem. Sub-Collector and Commissioner came and promised to take action and afterwards the post mortem and burial took place. On 3<sup>rd</sup> Revenue Divisional Officer made an enquiry and witness deposed the truth. On December 10 the people belonging to his wife's community conducted the dharna. On 11, 12 and 13 Revenue Divisional Officer conducted the enquiry in his office, Rowdies were engaged to threaten that, if the truth is told the witness and his two children would be killed. Therefore the witness told a lie on 12<sup>th</sup> for the sack of protecting his children. PW 3 in his

further evidence he told the truth to Vasantha devi and Booma Advani who came from Madurai to help the affected people at the time of enquiry at Taluk office.

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When a separate complaint was given in the court he had told the truth. On 9.1.2010 A5 Karunanithi promised him to get Rs.2 1/2 lakhs for not telling truth as a witness. The witness refused the same. He told the truth to CBCID Police.

Prosecution witness 5 Arumugam in her evidence had deposed that PW 3 is her husband and after her marriage she had changed her name as Mary. At the time of occurrence there was a dispute between her and her husband on a family problem. The deceased Karuppi was her elder brother's wife. At the time of occurrence she was in the house of Karuppi and she knew, that the accused were present in the court before 8 years from the date of giving evidence she was standing near the five road junction around 4p.m near a parotta stall to receive salary. At that time A3 HC Rajaram and PW1 Ravi came in a motor cycle and said that her husband had preferred a complaint against her about the family problem to the police. Therefore they wanted her to come to the Paramakudi Police Station. When she went to the Paramakudi Police Station they said that Karuppi had stolen things from Prema's house and she had been brought to elicit truth from Karuppi. When the witness asked Karuppi

about it she promised that she had not stolen anything. There were wounds all over her body. Around 9p.m on that day the witness and Karuppi were taken to Prema's house by accused Rajaram and Irudhayaraj. They left Karuppi in Prema's house. Prema her younger brother and brother-in-law bet Karuppi in Prema's house

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The next day morning Head Constable Rajaram took her to the police station in an auto-rickshaw. PW 5 further in her evidence said that when she was in police station accused Irudhayaraj and Rajaram beat her with plastic pipe and she should elicit the truth before evening failing which he would also been made a corpse. When witness asked Karuppi she said that she did not steal anything. Both were kept in the lock up during night time. The next day morning her daughter was taken to Arulananthapuram in a police van by A3 to A8. When they found her husband was not there they went to Parthipanoor where he was drinking tea. Head Constable Subramanian pulled the shirt of the witness's husband saying that your wife has given a complaint and asked him to come to the police station for an enquiry. When he entered the van it was revealed he is being taken to the station regarding the theft committed by Karuppi. He was taken to the Paramakudi Police Station, his shirt and lungi were removed, his legs were chained. That night she reminded in the police station with her husband and daughter. The next day morning

PW 1 younger brother of Prema, Head Constable Subramani, Rajaram and Karunanithi went to Puliyaal to fetch Balammal daughter of Karuppi. They brought Balammal and her husband Sonaimuthu around 5 p.m to the police station and told them to beat Karuppi and elicit the truth. The Sub Inspector bet Sonaimuthu. Afterwards the detained Karuppi and and her husband let out others.

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The next day morning the witness and other 2 persons went to Paramakudi Police Station. The 1<sup>st</sup> accused Sahul Hameed told her that there are blood strains and injuries on Karuppi and ask the witness to bring a saree for her to change the dress. The witness went home and brought saree. When she saw Karuppi there were blood strains the witnesses were asked to buy ointment. She bought ointment and applied the body of Karuppi. The next morning she went to the police station. She remained in the Police station till 8p.m. The next day she went to the police station. Her husband could not walk because of the beating by the police Karuppi could not get up and her mouth was badly damaged. That night at 10p.m her husband was allowed to go and Karuppi remained in the police station. The next morning she left her husband in the house and went for construction coolie work. Around 8.30 in the morning a fisherman said that a woman had died in the police station. The witness sent a boy to the police station, who came back and said that

it was the body of Karuppi. When she went to the Paramakudi Govt. Hospital the Communist Party cadres were there. Around 5.30p.m on that day Ananthakumar of People's Watch came and enquired.

PW 6 Balammal in her evidence had deposed that she was born in Kattu Paramakudi now residing at Puliyaal with her husband Sonaimuthu

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and deceased Karuppi was her mother. On 28.11.2002 Thursday around 2 p.m Accused 3 & 4 came to Puliyaal along with PW3 Christudass and PW1 Ravi. They said her mother is being kept in the police station on a theft case and she should enquire. She went to Paramakudi Police Station around 5p.m. When she enquired her mother about the theft she told that she did not commit any theft. Her husband was asked to speak to Karuppi and Karuppi said the same thing. They were in the police station till 8p.m. Afterwards the witness, her husband and PW 5 Arumugam went to the house of her mother in Kattu Paramakudi. The next morning when they went to the police station she found that her mother's cheeks and lips were swollen. The police again requested the witness to enquire about the theft. The witness remained in the police station till evening and then went to her mother-in-law's place Virduthanvayal. She received telegram around 3p.m that her mother had died. She was taken in a police van to Paramakudi Govt. Hospital. She saw the body of her

mother. The villagers prevented the body being taken. The sub-Collector came and assured that he would have taken action. Afterwards they received the body and buried it.

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PW7 Edwin Chandrababu in his evidence had deposed that he is the Deputy Jailor. On 26.9.2009 when he was on duty CBCID Deputy Superintendent of Police, Madurai came and wanted to enquire and inmate who was undergoing imprisonment in crime No. 15/2009 by submitting a letter. The witness gave him permission and the said Pandi was enquired.

PW 8 Aziz Chatterjee who was at the time of giving evidence was the Assistant Commissioner, Madras Corporation deposed that while he was on duty on 1.12.2002 as Assistant Collector, Paramakudi, he received an order over phone from District Collector, Ramanathapuram that a body was found behind Paramakudi Police Station. The witness immediately rushed to the spot and he had not received any information from the police station till then. There was a wireless tower behind the compound of the Police Station and a women namely Karuppi aged above 50 years was found hanging on a nylon thread. She was wearing a red saree and blue colour jacket. The photos marked 1 to 18 series were taken when the body was at the mortuary of Paramakudi Govt. Hospital and 19-36 series were taken when the body was hanging in the tower behind the police

station compound and marked as MO1. PW8 further deposed that he conducted a preliminary enquiry

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and prepared a report and the same marked as PW2. The body was sent to Govt. Hospital and the preliminary report was sent to the District Collector. The District Collector ordered to prepare a detailed report and the order is marked as **PD3**. A post-mortem enquiry was conducted at Paramakudi Police Station and the report prepared thereon is marked as **PD4**. The said report with the covering letter was sent to the collector and marked as **PD5**. A detailed enquiry was conducted under 151, Police Standing Order, recorded the statements of 29 witnesses and they are marked as **PD6**. In the above report it is held that the police had illegally kept Karuppi in Police custody and have threatened the witnesses directly and indirectly. Further the deceased was tortured physically and mentally and her death was due to police excesses. Further she was implicated in a theft case and thereby caused mental torture which led to her death.

PW 9 Sonai muthu in his evidence had said that he is a resident of Puliyaal and PW 6 Balammal was his wife and deceased Karuppi was his mother-in-law. On 28.11.2002 when the witness was in Puliyaal, 2 policemen, Christudass and PW 1 Ravi came in a police van and told him that his mother-in-law is kept in custody on a theft

case and required the witness and his wife to speak to his mother-in-law

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When they reached Paramakudi Police Station in the police van he found that his mother-in-law's cheeks were swollen. When the witness enquire about whether she committed the theft, she swore to the witnesses wife who was then 6 months pregnant and said that she had not committed any theft. It was then a policeman slapped the witness on his check and directed him to enquire his mother-in-law again. Afterwards at 6'o clock they asked the witness and his wife to go home and come the next morning. The next day they remained there morning to evening and his mother-in-law repeated that she had never stolen. The witness and his wife were sent home in the evening and they have gone to their native village Viradhanavayal. They came to know from the maternal uncle Kalimuthu that his mother-in-law had died. When the witness was going to catch a bus to Paramakudi, a striking force police van came and took the witness and his wife to Paramakudi Govt. Hospital where they found his mother-in-law dead. He was later on enquired at the Sub-Collector's Office.

PW 10 Prema, in her evidence said that she was employed as a teacher in Govt. Hr. Sec. School in Kattu Paramakudi and her husband is employed as Inspector in fisheries department in

Pamban. Her husband would leave home usually at 7.30a.m. Her younger son would go to school at 8a.m On 25.11.2002 as usual the witness left for school at 8.30a.m and her elder son Nirmalraj was in home as his college was on leave

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The deceased Karuppi was employed in her house for 3 years. On the day of occurrence her elder son left home 10 am to see his friends. When he returned home at 12.30pm he found the back side gate of the house broken and opened. The bureau inside the house was also opened and goods were found on the floor. Her son, after enquiry, found nothing and came to the school, so that they could prefer a complaint to the nearby police station. When they went to the Police Station the writer was there and he advised us to go home take out the list of the missing things and prepare a petition. When the witness went home, the jewel box were found beneath the bureau and by then the police had arrived. On the day of occurrence at 2p.m Karuppi had come home shouting that the theft has taken place in Amma's house. When police asked her that the key for the back gate was with her she said that it was not given to her. When insisted Karuppi said that she had left the key hanging it in its usual place. As Karuppi was contradicting her statement, she was taken to the Police Station. The witness deposed that she gave the complaint at 5p.m and Karuppi was brought to her house at 10p.m The police

then told the witness that as Karuppi was employed for a long time in her house she should try to convince and elicit the truth.

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As Karuppi denied having committed the theft she was taken away to the Police Station by 2 persons the next day. The Inspector of Police visited the house, inspected the place of occurrence on the backyard and also the broken gate. The iron rod used to commit the theft was found near the gate and the Inspector observed that the theft should have been committed along with the small person. Hence they brought a girl namely Anitha, the daughter of Arumugam who is the sister-in-law of Karuppi. When the said Anitha was enquired she admitted having entered along with Karuppi to the house and narrated how she did it. She also showed where the key was found and the stolen goods were found two days prior to the death of Karuppi. It was said that she would have hand over the stolen goods within two days. But PW 1 Ravi told her that Karuppi died on Sunday. The witness further said that she gave a statement to Revenue Divisional Officer and she was also enquired by Human Rights Association after 10 days.

PW 11 Subramanian in his evidence has deposed that he was employed as Village Administrative Officer (VAO). He said that on 14.4.2009 around 3p.m CBCID Police visited the lock up room of Paramakudi Police Station and prepared a mahazar in his presence

and that of the Additional Village Administrative Officer (VAO) Ananthakumar and the same was marked as **PD7**.

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PW 12 Sethuraj in his evidence had deposed that he was employed as VAO of Mosukudi and the name of the village headman was Rajan. When he was employed as a Village Administrative Officer (VAO) of Kattu Paramakudi the said Rajan was village headman. On 23.11.2009 around 5pm CBCID, Deputy Superintendent of Police (DSP) requested the witnesses to Paramakudi City Police Station and when he went there he prepared a Magazar of the wireless tower behind the Paramakudi City Police Station. It was signed by the witness and Village head man and the same was marked as **PD8**.

PW 13: Dr. Balakrishnan in his evidence deposed that at present he is working as Senior Civil Surgeon at Kadaladi Govt. Hospital, On the request from RDO of Paramakudi, Dt-01/12/2002, Himself along with Dr.Meiyazhagan, Professor of Forensic Medicine, Madurai Medical College and Dr.Hemamalini joined as a team and did the autopsy of the deceased Karupi / female / 50years.

The external injuries noted are—31 x 0.5 cm ligature abrasion seen over the front and sides of the neck with 2cm wound gap at the right posterior back of the neck, Wound seen on the right side—4cm below the right mastoid which is extended forwards and downwards

and crossed the thyroid cartilage over the front of neck, which is 6cm below the midpoint of the chin, further extended upwards and backwards towards the left side of the neck, which is 8cm below the left mastoid.

On dissection of the neck—it's pale and parchment underneath the ligature abrasion.

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Further P.W.13 stated in his evidence that there was contusion over the dorsal aspect of right hand about 3 x 2 cm, outer aspect of right forearm 4 x 2cm, outer aspect of right shoulder 5 x 3 cm, upper part of left foot 6 x 3cm and front of right knee about 2 x 1cm.

Further on dissection of scalp / skull—2 x 2cm reddish contusion over right frontal region of the scalp, Cut section shows congestion.

Thoracic cavity found empty; Heart shows 15ml of straw coloured fluid, left side chamber found empty, right side chamber contained fluid blood and the lower chambers contained clotted blood.

On dissection of lungs, liver, spleen, brain and kidney—shows congestion; Urinary bladder found empty; Uterus found normal to its age and there was evidence for family planning clippings over fallopian tubes of uterus. No bleeding per vagina.

Internal organs sent for toxicological analysis and the reports were obtained.

On his final opinion he has certified as the deceased could have died of Asphyxia due to hanging, died 12 to 18 hrs prior to autopsy. And stated that, his postmortem report is as **PWD 10**;

Injuries mentioned in that postmortem report, could have caused by lathi like kind weapon; Injury in the column 3 of postmortem report could have caused by boots leg and cane; Injury in the column 4 of postmortem report

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could have caused death in ordinary course which could have caused by lathi; And there is a possibility of the person hanged when she was in an unconscious state.

Further he has mentioned in his evidence:- on 1/12/2002, at about 6.45 PM, while he was on duty, Mr.Christudass of Kattu Paramakudi came for treatment and stated that he was beaten up by 4 known person using cane on 26/11/2002 at about 8.30PM and sustained contusion injuries—over left leg about 4 x 3cm and over right knee about 2 x 2cm. He has given treatment as out-patient, and gave the opinion as—simple injury, which is in Accident register—**PWD 11.**

Same day one Mr. Arumugam came with the complaints of beaten by 4 known people on 26/11/2002 at about 12.30 midnight, and sustained contusion injury—over left leg 6 x 3cm; over left knee 2 x 2cm and over right knee 2 x 2cm. he has given treatment as out-patient and given opinion as simple injury which is in Accident register **PWD 12.**

Same day one Mr. John came with the complaints of assault by a known person using his hand on 28/12/2002 at about 4.00PM, and he did not have any external injuries, which is in Accident register **PWD 13.**

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PW 14 Subash in his evidence had deposed that he was serving as Inspector of Police in Ramanathapuram Special Branch. He served as Inspector of Police in Paramakudi between 26.7.2002 to 2.4.2003. A1 Sahul Hameed was then the Inspector of Police A2 Kathiresan was Sub Inspector of Police, Head Constable Irudhayaraj, Subramanian, Siddhique, Lakshmanan and Karunatnithi were then serving as policemen in crime section. On 25.11.2002 the City Police Inspector took up the investigation of the theft took place at the residence of Prema teacher. On 30.11.2002 the witness was in charge of the check post in Parthibanoor. He went there at 8p.m and after completing the work next day, he came to the city Police Station at 8a.m. The

witness came to know that the suspected Karuppi who was enquired by the Crime Branch men was hanging in wireless tower behind the Police Station. Superior police officers were present in the police station as ordered by the Assistant Collector. The witness and Head Constable Manoharan brought down the body from wireless tower and arranged to send to post mortem.

PW15 Janakiraman in his evidence had deposed that he was serving as Scientific Officer in Forensic laboratory and prior to that he was in Virudhunagar district. On a phone instruction received from Virudhunagar District Special branch I was instructed to inspect the place of occurrence of the crime.

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When I went there it was said that the body had been sent to Paramakudi Govt. Hospital. As there was no evidence I went to the hospital and inspected the body of Karuppi. I found a nylon rope of 8 feet length with the knot on the neck of the deceased. The head of the deceased was on a slanted position against the knot. Contusions were found on the left thigh and on the upper side of the right hand. The residue of the inner and private part of the deceased were taken and advised to send them for chemical examination.

PW 17 Manoharan in his evidence had deposed that he was serving as HC in Mudukulathoor Police Station. He was Head Constable at Paramakudi Police Station at the time of occurrence. On

the day of occurrence he went on patrol duty and the next morning at 6.30 the witness came to the police station entered entries in the diary and handed it over the watch constable and went home. On hearing from his wife that somebody had hanged in the Police Station I went there. The Sub Inspector of Police of Paramakudi Police Station was there. The Sub Inspector and the witness brought the body of Karuppi down took it to the hospital and identified it to the doctor. After post-mortem body was handed over to her husband. The particles that were cut out from the body

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was handed over at the Police Station. On 28<sup>th</sup> the witness was on watch duty and Karuppi was brought on that day for enquiry.

PW18 Ravichandran in his evidence deposed that he is serving as Head Constable of Pamban PS. On 30.11.2002 when he was in service as Head Constable in Paramakudi City Police Station at 8a.m the witness and PW17 Manoharan were deputed patrol duty. The next day morning at 6a.m after completion of duty the ticket was handed over and the witness went home. Around 8 a.m he had the news that Karuppi had committed suicide by hanging herself in a wireless tower behind the Police Station. The witness admitted he had seen Karuppi and her relatives being enquired by the Crime Section People of the Police on 30.11.2002.

PW 19 Dhandapandi had deposed that he was employed as Head Constable in Sivagangai Taluk Police Station. On 1.12.2002 at 6a.m on receipt of a message from Sivagangai District Special Branch office through phone, he went to Paramakudi Govt. Hospital to take video coverage. As ordered by the Deputy Superintendent of Paramakudi the witness took video coverage of the Law & Order problems, blocking of road and the post mortem.

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PW 20 Natarajan in his evidence deposed that he is retired after serving the Special Police force as Sub Inspector. From the year 2000 to 31.2.2005 he served as special Sub Inspector, Law and Order at Paramakudi City Police Station. On 1.12.2002 at 6.30a.m when he came to the Police station from outside one Ravi and watch Constable Rengachari told the witness that one Karuppi who was brought for enquiry, had hanged herself and found behind Police Station. The witness saw Karuppi hanging on the wireless tower. He later on came to the Police Station. Inspector enquired Ravi. As Ravi did not know to read and write, I recorded the statement of Ravi as he narrated it orally. It was then read over to him and his signature was obtained and that statement had been marked as **ASA1**.

PW 21 Paramasivam in his evidence deposed that he was employed in Parthibanoor Police Station. On 23.1.2003 when he was on duty in Paramakudi Police station he was requested to collect

tapal from the office of the Asst. Collector, Pramakudi. Accordingly he went to the office and got the general diary, para book, duty roaster and some other documents and handed over to the Inspector.

PW 22 Deivendran in his evidence deposed that he was employed as Head Constable in Nainarkoil Police Station. During the year 2002 he was employed Head Constable in Paramakudi Emaneswaram Police Station. He was then the jeep driver

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of the Crime Branch in Paramakudi Sub Division. He had also deposed that he drove the vehicle bearing registration No. TN. 65G 0250 along with the crime parties to Thiruvadana, Puliyaal and some local places regarding Cr.No.255/2002 registered u/S 457, 380 IPC

PW 23 Mahendra Varman in his evidence deposed that he was employed as Supervisor in the office of the Deputy Inspector General of Ramanathapuram district. He deposed that the CBCID Deputy Superintendent of Police (DSP) had made a petition to accord sanction to prosecute Sub Inspector Irudhayaraj. The witness received that petition and sent to the Director General of Police (DGP). The sanction was accorded vide order dated 25.9.2009 bearing No. NP1/16089/02 and marked as **ASA 14**.

PW 24 Henri Tiphagne in his evidence had deposed that he was a practicing advocate in Madurai and he was also the Executive

Director of People's Watch, a National Human Rights organisation. This organisation monitors the human rights violations, intervenes wherever necessary, imparts human rights education and provide accommodation to those affected. Tamil Nadu had been divided into 12 zones and each zone has a monitoring coordinator and carrying on the human rights work. For the zone consisting of Sivagangai and Ramanathapuram districts one Ananthakumar has been appointed as coordinator. In cases of violence against women they are monitored and legal action is taken.

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On 1.12.2002 the witness received the information from the coordinator Anandhakumar over phone that a woman namely Karuppi aged 45 years had hanged herself in a wireless tower near Paramakudi City Police Station. The witness immediately sent telegram to the District Collector, Deputy Superintendent of Police, Paramakudi, Asst. Collector and the copies of phonograms marked as **ASA15**. He further deposed that he followed the same procedure of similar cases and organized a fact finding team which included Anandhakumar. A report was received from the fact finding team. The statements of the husband of Karuppi namely Sonai daughter Balammal, relative Christudass, Mrs.Arumugam were recorded. Based on the statements it was found that Karuppi was taken to the Police Station for a theft in the house of Prema teacher and kept

illegally in custody between 26.11.2002 to 1.12.2002. She was subjected to torture as a result of which she died. It came to light that the body of the deceased was taken by the policemen of Paramakudi City Police Station to the wireless tower situated behind the Police Station and hanged it. Witness came to know that the above happenings were told by Karuppi's relatives to the Asst. Collector on 2.12.2002. Witness also came to know that an enquiry under PSO 151 is to be conducted on 11.12.2002. As there was no protection for the witnesses and there were threats to them Sonai, Balammal, Christudass and Arumugam were arranged to be accommodated under protection. The witnesses also deposed that he sent them for enquiry along with Anandhakumar on 11.12.2002. He further stated that the witnesses were taken to the Assistant Collector on 12.12.2002.

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As there were goons, the witnesses contradicted the statements made on 2.12.2002. Afterwards they were kept under the protection for 3 months. On 22 or 23 the Chairman of Tamil Nadu Women's Rights Commission Dr.Vasanthi Devi enquired the witnesses. The Director General of Police (DGP) Smt. Lathika Saran appeared before the above commission and had given evidence. When the witness came to know about the final decision of the enquiry under PSO 151 he filed a petition in public interest in CrI.O.P.No. 3715/2004. The

judgement on the above petition was delivered on 6.9.2008. In the above judgement the investigation was transferred to CBCID with the direction that the investigation should be over by six month time and the copy of the HC order is marked as **ASA 16**. He had further deposed that the occurrence had happened between 26.11.2002 to 1.12.2002. Karuppi was kept in police custody illegally and she had died due to the torture by police. Her body was hanged in wireless tower behind the PS by the policemen. Before the enquiry on 20.1.2010 PW3, Christudass and Arumugam were threatened by A5 Karunanithi and he was even prepared to give the money for not giving evidence. On 13.1.2010 a complaint was sent to the Commissioner of Police Madurai Mr. Balasubramani as he was also incharge Deputy Inspector General (DIG) of Ramanathapuram District.

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and the acknowledgement received and marked as **ASA17**.

PW 25 Lakshmikanthan in his evidence deposed that he retired on 30.6.2008 after having served as Trichy District Supply Officer and settled in Kovilpatti in Tuticorin District. He served as Revenue Divisional Officer (RDO) at Paramakudi between 28.10.2005 to 6.1.2007. During that period he received an order, based on the PSO 151 report prepared by PW 8 Aziz Chatterjee. In the above communication the Government had ordered to file case against

Inspector Sahul Hameed and Sub Inspector Kathiresan and the same is marked as **ASA 15**. Based on the same the witness had filed the private complaint on 20.9.2006 before Chief Judicial Magistrate, Ramanathapuram and the private complaint is marked as **ASA19**. It was taken on file numbered as PRC 1/07. After enquiring the witnesses it was committed to the Sessions Court Numbered as 105/2007.

PW26 Anandhakumar in his evidence had deposed that he is resident of Manamadurai in Sivagangai district and employed as coordinator of People's Watch. His job was to get particulars and information of those who had suffered due to police torture, untouchability, violence against women and torture of children in school and the particulars so collected would be sent to the central office.

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Based on those reports senior advocates would recommend to constitute for fact finding. On 1.12.2002 the witness got the information that a person had hanged herself in wireless tower behind Paramakudi City Police Station. The witness and colleagues Arumugam, Kathir, Thilagam went to Paramakudi. The witness came to know that Arumugam, Christudass and other victims are in Paramakudi Govt. Hospital. The witness enquired them about the death of Karuppi. It was reported that Karuppi was kept in the Police

Station between 26.11.2002 to 1.12.2002. This information was conveyed by the witness to the Executive Director of his organisation over phone. He also remained there until the Post mortem was over and the body was handed over to the relatives. He further deposed that he went to the Asst. Collector office on 11.12.2002 to watch the enquiry. He saw a big crowd there and informed the same to the Executive Director he went to the enquiry on 12.12.2002 and Mrs. Kathir, Arumugam, Adv. Vincent were there in field inspection. The crowd assembled there dragged the witnesses and he reported the same to the Assistant Collector. On 12.12.2002 Nagarajan, Advocate's clerk, gave the witness, the copy of the petition filed before the District Collector and acknowledgement for the same. The occurrence witnesses Mr. Christudass and Arumugam told the deposing witness that they were being threatened. Therefore they were accommodated in PW office by way of protection. The Court proceedings were followed by the legal team of the PW.

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PW 27 Ashok Kumar Dass in his evidence has deposed that he is employed as DIG CASF Air Force Centre. Prior to that he was employed as DIG of Police, Ramanathapuram. He deposed that the CBCID Deputy Superintendent of Police (DSP) Madurai vide letter dated 19.8.2009 sought permission to prosecute A5 Irudhayaraj and

connected files were submitted. As the witness was satisfied, he granted sanction and the same is marked as **ASA 14**.

PW 28 Meganathan in his evidence had deposed that he is now employed as District Police Photographer in Tiruvallur. During 2002 while he was in Ramanathapuram district on a requisition dated 1.12.2002 received from District Police Special Branch, he went to Paramakudi City Police Station. On 1.12.2002 he took photograph of the woman who was hanging behind the police station. The photograph and the negative were handed over to the Asst. Collector Paramakudi and marked as the 36 series.

PW 29 Manoharan in his evidence had deposed that he is now working as Superintendent of Police (SP) of Madurai. He received a communication dated 18.8.2009 from CBCID DSP Madurai seeking sanction to prosecute A3 Rajaram who was working under his jurisdiction in Thirumangalam Police Station and his number was 1673.

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The witness examined the letter and satisfied himself and granted sanction to prosecute A3 Rajaram in a case registered in Crime No. 475/2002 in Paramakudi City Police Station.

PW 30 Pradeep Kumar in his evidence had deposed that he is working as DSP of Ramanathapuram. Head Constable No.652 A4 Subramanian, Head Constable 712 A5 Karunanithi, Head Constable

750 A7 Arjun and Head Constable No.1704 A8 Rengachari were working under him. CBCID DSP Madurai vide his communication dated 18.8.2009 sought sanction of the witness to prosecute to the above policemen. The witness after satisfying himself had accorded sanction to prosecute the above policemen in Crime No. 475/2002 registered in the Paramakudi City Police Station.

PW 31, Dayalan Tamilselvan, in his evidence had deposed that he is working as DSP, Organised Crime Unit, CBCID, Madurai. On 4.12.2008 the witness had taken for enquiry the case registered as Crime No. 475/2002 u/S 174 and 306 IPC as directed by the Hon'ble High Court.

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On 5.12.2008 the witness received the 5 files. On the same day he received the general diary and other documents from the Paramakudi City Police Station as per his letter dated 12.12.2008. The witness visited the Police Station and enquired PW 1 Ravi, PW 10 Prema, Samraj, Sonai and recorded their statements. On 19.12.2008 he recorded the statement of accused Rengachari Head Constable 1704, 7<sup>th</sup> accused Arjunan, Head Constable, witnesses Ramaiah, Alagasamy. On 20.12.2008 he enquired witnesses Soundarajan, A5 Karunanithi, A4 Subramanian and recorded their statements. On 29.12.2008 the witness enquired PW 2 Sonaimuthu, PW3 Christudass and Arumugam again and recorded their statements. On the same

day he visited the spot of occurrence and prepared mahazar in the presence of PW 12 and the Village Headman. The diagram prepared in the same day and marked as **ASA 22**. On 5.1.2009 the witness recorded the statement of the PW 16 Karuppaiah. On 23.1.2009 he enquired A1 Sahul Hameed DSP and recorded the statement. On 29.1.2009 A3 Rajaram was examined

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and 30.1.2009 Sonaimuthu, PW6 Balammal were examined and statement recorded. Drs. Hema Malini and Balachardran were also examined on the same day. On 6.2.2009 Dr. Meyyalagan, PW19 Dhandapani were examined. The witness asked that Meyyalagan the reasons for the death of the deceased and the letter marked as **ASA 23**. A reply gave by him is marked as **ASA 24**. On 10.2.2009 he enquired Sub Inspector Siddhique, 12.2.2009 Head Constable PW 17 Manoharan was examined on 14.2.2009 Head Constable Ravichandrnr was examined. On 16.2.2009 witnesses Ramakirishnan, Seenivasan were examined. On 19.2.2009 Anbu Photographer Meganathan was examined. On 21.2.2009 Natarjan was examined. On 3.3.2009 witnesses Ganapathi, Kalaimani were examined. On 11.3.2009 PW 15 Janakiraman, Forensic science expert was examined. On 25.3.2009 Inspector Subash was examined. On 26.3.2009 the witness went to the Madurai Jail and with the permission of the Jail Superintendent statement was recorded from

prisoner Pandi. On 28.3.2009 Head Constable 773 Paramasivam was examined. On 14.4.2009 witnesses Anitha, Krishnan, Pandi @ J.Muthpandi were examined and statement recorded. On the same day at the place of occurrence in the women lock up room Mahazar numbered as **ASA7** was prepared in the presence of PW 11 Subramanian, and Ananthakumar. An approximate sketch of woman lock room was also prepared and marked as **ASA 25**. On 17.4.2009 Joint Commissioner of Madras Corporation Aziz Chatterjee was examined. On 27.4.2009 RI Arjunan was enquired. On 8.5.2009 Henri Tiphagne of People's Watch and Vasanthi Devi were examined. On 12.5.2009 Retired RDO Lakshmi Kanthan was examined. On 15.5.2009 Ananthakumar and Durairaj were examined and their statements were recorded. Further in his evidence he deposed

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that vide letter dated 18.8.2009 he requested DIG Madurai to grant permission to prosecute A4 Subramaninan, A5 Karunanithi. On 25.8.2009 he enquired DIG Ramnad Range Thiru. Ashok Kumar Das and Office Superintendent PW 23 Mahendra Varman and got permission to prosecute. On 16.10.2009 vide letter dated 16.10.2009 he sought permission from Superintendent of Police, Madurai to prosecute A3 Rajaram and favourable order was received. The inside part of the deceased body sent for the examination and the report has been received and the same marked as **ASA 26**. The biological

report received from Regional Forensic Science Office Madurai is marked as **ASA27**. The FIR registered in Crime No. 475/2008 u/S 174 Cr.P.C is marked as **ASA 28**. The investigation was completed on 22.10.2009 and the final charge sheet against had been filed.

7)When the accused were questioned on the oral and documentary evidences produced in the court u/S 313 (1) (a) of Cr.P.C, they pleaded not guilty. They also said that the case and the witnesses are all false. On the side of the accused the 1<sup>st</sup> accused was examined and 3 documents were marked.

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8)On behalf of the Accused, 1<sup>st</sup> Accused Sahul Hameed deposed that he was the Inspector of Police at the time of the suicide of Karuppi belonging to Kattu Paramakudi and he was the first accused in the sessions case in the SC No.105/2007. The State Human Rights Commission (SHRC) conducted a detailed enquiry regarding the above case and the evidence and the affidavits filed by PW 3 and PW 5 before that Commission is submitted u/S 313 of Cr.P.C marked as **ASA 1 & ASA 2**.

9)The point at issue to be decided is whether the prosecution has proved the charges against the accused beyond any doubt.

**Issue:**

10) After hearing the arguments of both sides and perusal of documents the facts not disputed by the accused are as follows:

The deceased Karuppi was employed as servant maid in the house of PW 10. PW 1 Ravi is instrumental to get her appointment. PW 10 Prema had preferred a complaint on 25.11.2002 that a theft had taken place by breaking open the locked house from the back side and the bureau was opened. 45 sovereign of jewels, cash of Rs. 25,000, 5 watches and a camera were stolen. On the suspicion that deceased Karuppi was involved

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the complaint was registered in crime no. 455/2002 under Section 450 and 380 IPC by second accused Kathiresan. It was handed over to A1 Sahul Hameed on the same day. It is also not disputed by the accused that the 1<sup>st</sup> accused Sahul Hameed prepared the FIR u/S 174 Cr.P.C on hearing the news that Karuppi deceased was found dead by hanging in a wireless tower behind the girls high school at 6.30a.m. When PW1 Ravi came in search of her to the Police Station. It has to be inferred that the accused have accepted the fact of not sending the above FIR to the higher and revenue officials.

11)It is seen from the mahazar **ASA28** and the sketch **ASA 22** that the wireless tower, where deceased Karuppi was hanging was 10 meter away behind the police station. There is a compound wall of the height of 15 feet on the eastern side and there is another wall

5 1/2 feet height beyond that on the eastern side the girls high school is situated. On the South-east side of the place of occurrence within a radius of 15 feet 3 toilet rooms for the use of policemen are situated and near the compound. On the north east side within a radius of 100 feet the girls high school building, next to that Taluk office on the western side treasury office and sub-jail are situated. Within a radius of 125 feet on the western side veterinary hospital and police quarters are situated. There is a 5 feet road on the back side of the police station.

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It is seen from the above it is clearly evident that the wireless tower where Karuppi hanged herself is not a place used by the general public. It was not raised by the accused during cross examination of the investigation officer that the place was used by the general public. Equally the residence of deceased Karuppi was not anywhere near there. It is situated beyond 2 KM in a place called Kattu Paramakudi. The rod in the wireless tower was 7 feet high from the floor is evident from the Material object 1, photos. Considering the post mortem report age of deceased Karuppi and her height it is difficult to infer that she chose the place of occurrence of the wireless tower fearing the enquiry by the police or the shame caused due to the charge of theft, during her detention as admitted by the accused between night 30.11.2002 to 1.12.2002.

12)At the time of the enquiry by PW 8 Sub Collector, PW 1 to 6 had deposed that the police had sent the deceased Karuppi after enquiry on 27.11.2002. Afterwards she was beaten by PW 16 Udhayakumar in the house of complainant Prema. Even if the above version is accepted the deceased Karuppi had been examined on 28.11.2002, 29.11.2002 and 30.11.2002. The accused had never asked PW 10 Prema PW16 Udayakumar as to why they attacked Karuppi. Neither they had taken any action against them.

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Assuming for the sake of argument that Karuppi committed suicide due to the beating by Prema, it is difficult to even imagine that she had to go 2 KM from the house of Prema near the Police Station to hang herself in the wireless tower. Though the evidence of PW2 to 6 before the Human Rights Commission and PW 8 Sub Collector contradict, they do not affect the happenings mentioned above.

13)The deceased Karuppi had never any conflict with law or enemies. Both the prosecution and the defence had not made any other allegation. From the above and also from the evidence from the PW13 Balachandran who conducted the post mortem and the post mortem report of PW9 and the medical opinion of PW24.

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It has been admitted that Karuppi had been summoned to police station several times between 25.11.2002 to 30.11.2002 and sent away home. Therefore the evidence of PW 2 to 6 before Human Rights Commission and PW8 though contradict they do not affect the prosecution case. But it has not been proved by the prosecution whether deceased Karuppi had been kept in the women lock up on 30.11.2002 by any documentary evidence. On the other hand the evidence of PW 4 Pandian alone is placed. But PW 13 Dr.Balachandran had deposed that there is no evidence to hang her in a tower behind the police station when she had hanged inside the lock up.

14)Further no police officer would record that the deceased Karuppi was kept in the police station on 30.11.2002. It cannot be inferred that she was not kept in the lock up because no document was on the file. On the other hand, as the accused have accepted that deceased Karuppi was summoned to several times to the police station she committed suicide. It is not acceptable to say that there is no connection between the suicide of the deceased and that of the accused. Further PW 4 Pandi

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was facing several cases in Paramakudi Police Station and his statement was recorded by the CBCID DSP on 26.3.2009 in the Central prison Madurai after 7 years of occurrence. It is unbelievable

to expect he would give evidence against Crime Branch Police. All the accused were continuously in service though. He turned hostile, one has to look into circumstances. PW 1 was the 1<sup>st</sup> person to see Karuppi hanging and gave the FIR to the first accused and it has to be accepted by all the accused. In that it is mentioned that he accompanied deceased Karuppi on 30.11.2002 at 5p.m and when he came near the station he returned back. It was only the next day when he came to the station he saw her hanging in the wireless tower. When the FIR was registered the accused have not informed the higher officials and the Sub Collector. Therefore it is clearly evident that deceased Karuppi was kept in the police station on 30.11.2002. There is nothing to deny that there are contradictions in the evidence of PW 1 to 6 before PW 8 and Human Rights Commission. Even then PW 1 husband PW 2, PW3, PW5 and PW6 were uneducated poor people from poor background. They have brought the excesses of the police with the help of People's Watch by taking the matter upto the High Court and the Charge sheet has been filed.

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Further it is surprising that under the leadership of an Inspector the accused could not elicit any truth after enquiring an ordinary woman from 25.11.2002 to 30.11.2002. When it is considered the deceased Karuppi was kept in the lock up on 30.11.2002 at the police

station it has to be now decided whether, after her death the accused had taken the deceased and hanged in the wireless tower. PW 13 Dr. Balachandran had deposed that there was no evidence of the body being hanged in a difference place. But the wireless tower where the deceased was hanging was ordinarily an unapproachable place and the height where the body was hanging was 8 feet the legs were in kneeling position. It has to be seen from her height whether she could climb the tower and tie the nylon rope. When one look at the lock up mahazar and the death was not the cause for the wound found outside. The wound have been caused by the accused. As claimed by the prosecution the deceased while she was on lock up on 30.11.2002 committed suicide out of frustration by using the rope used for cleaning the rifle by tying the same in the window. It is clearly evident that the men on duty in the police station informed the other accused and they have hanged the deceased by tying her in a nylon rope in the wireless tower. Though the rope and the nylon rope were not produced by the prosecution the accused cannot be released on the same.

15)Therefore though the case Crime no.544/2002 registered against Karuppi was a non-cognizable offence

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no proper care was taken to conduct the proper legal enquiry. On the pretext of conducting enquiry she was summoned frequently,

illegally, caused her mental torture and assaulted her there by inducing her to commit suicide. Further the suppressed the fact of the death of Karuppi in the lock up and hanged her in a wireless tower behind the police station and thereby created false evidence. This Court come to the conclusion that the prosecution has proved its case beyond doubt.

16)The learned advocate for the accused in his argument had mentioned that PW 1 Ravi in the 1<sup>st</sup> enquiry had said that Karuppi was taken to the Police Station by Prema and the villagers. During cross examination he said that they took Karuppi to Police Station as Prema teacher suspected her. When they went to Police Station some women of the village also came there was confirmed by PW17 Manoharan, Sub Inspector Law & Order It was said that when Karuppi came to the Police station her relatives and the people who lost their goods came as a crowd and in the presence of the women Karuppi was enquired and sent away. PW 18 Ravichandran Head Constable Law & Order in his evidence had said that when Karuppi was enquired on 30.11.2002 day time he saw her relatives in the Police Station. PW 2 Sonai in the first enquiry had said that two policemen took away his wife and he could not identify them

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PW 3 Christudass in cross examination had said that the names of the accused police Rajaram, Subramaninan, Karunanithi, Inspector

Sahul Hameed were mentioned to him by PW 1 Ravi at a tea shop and that too after the death of Karuppi. PW 26 Ananthakumar coordinator People's Watch had said in his evidence that while CBCID Police enquired the people were kept in People's Watch office for 3 months and they were looked after by provision of food, cloth and daily expenses. PW 31 DSP who was also the investigation officer in his evidence at the time of first enquiry before the Human Rights Commission had admitted that he was aware of the statements recorded before it by PW 1 Ravi, PW 2 Sonai, PW3 Christudass, PW 5 Arumugam, PW6 Balammal and PW 9 Sonai muthu. PW3 Christudass at the time of first enquiry had said that when she looked at Karuppi she found her being beaten up all over her body with bleeding. PW 27 Ashok Kumar Dass in his evidence had said that in his order according sanction in page 8 had mentioned that there was no evidence to keep the deceased in custody on 26.11.2002, 27.11.2002. PW 6 Balammal in her evidence before the State Human Rights Commission had said that she was not aware of her mother Karuppi taken to the Police Station and also the enquiry by the police. She had said that she had left for job 8.a.m and when she came back home at 7p.m she found Karuppi feeding her child.

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Further PW 6 Balammal and PW 9 Sonai Muthu had said in the cross examination that their mother was not beaten as long as she was

present there. This has been corroborated by PWD 8 Assistant Collector in his evidence. It is said that on the available documents on that day there was nothing to show the police excesses. As people belonging to the community of Karuppi and some political parties and NGOs demanded action and created Law & Order Problem, it was pointed out that Karuppi was summoned the Police Station and enquired in the presence of the relatives of Karuppi and Prema and sent back home. Further at the time of enquiry no evidence were adduced that she was tortured by the accused. As it has been proved by evidence by witnesses that the injuries on the body of Karuppi were due to the physical violence caused by complainant Prema's relatives the injuries have nothing to do with the accused.

17)The above arguments and documents were examined. It is crystal clear that as soon as Karuppi was hanged on the wireless tower on 1.12.2002

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the people belonging to the community of Karuppi and the NGOs made demands and demonstration for action. PW 8 Asst. Collector reached the place of occurrence at 8a.m and after verification of the records in the police station and after recovering nylon rope and other materials had conducted a preliminary enquiry and sent a preliminary report to the District Collector that there was possibility for the suicide of Karuppi due to police excesses. He had sent

afterwards at detailed report dated 11.12.2002. In the detailed report he had enquired PW1 to 10 and policemen PW17 Manoharan, PW18 Ravichandran and PW 16 Udayakumar and recorded the statements and document **ASA6** had been marked. The above statements had been accepted by all the accused and put their signature in the presence of PW8. This had not been denied by the accused. From these statements the deceased Karuppi was summoned to the Police Station under the leadership of the A1 by the other accused between 25.11.2002 to 30.11.2002. This has been further confirmed by the Sub Inspector and the Head Constables who were then on duty in the Police Station by recording the statements on 13.12.2002 and 16.12.2002 According to the statements all these accused had enquired the deceased Karuppi between 25.11.2002 to 30.11.2002 in Crime No. 455/2002. This is further strengthened by the registration of the FIR that is **ASA 1** given by the PW1 Ravi by accused A1. But all the accused have uniformly said

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to PW 8 Assistant Collector that Karuppi was sent back home. Among the accused A2 to 6 had left the police station in the morning of 30.11.2002 and came only the next day morning. But A1 had admitted having enquired Karuppi in the evening of 30.11.2002. In the statement marked as **ASA 6** by Asst. Collector the accused have

uniformly give a similar statement. They had planned and give a uniform statement so that they could not be implicated as accused. As no record had been maintained about the enquiry of Karuppi in the Police Station, it is evident that the accused had exceeded their limits with Karuppi. The version of A2 to A6 that they left the Police Station on 30.11.2002 to enquire about this case in several places and came only on the morning of the 1.12.2002 does not seem to be acceptable. The diary had not been produced. It is therefore not acceptable that Karuppi was enquired on 30.11.2002 and sent out on that day. On the other hand the statement of A7 and A8 who were on duty on that day at the PS that Karuppi was not kept in the Police Station is not believable. The argument of the accused that PW1 to 3, 5, 6 & 9 were kept in Madurai by the organisation known as People's Watch to coach them to get conviction for the accused was considered. There are contradictions in statements given before PW8 Asst. Collector, Human Rights Commission in the month of February 2003 and before this court by PW 1 and PW 2

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and the statements marked as **ASA6**. However these contradictions are not acceptable as the deceased Karuppi was kept in the Police Station till 30.11.2002 and the persistent enquiry and mentally torture by keeping her in the women lock up and thereby induced her to commit suicide.

18)The prosecution had accepted that deceased Karuppi did not die due to the injuries as told by PW13 Dr.Balachandran and the documents marked as **ASA9** post mortem report. Equally it is not the case of the prosecution that Karuppi was beaten to death and afterwards she was hanged in the wireless tower behind the Police Station. In these circumstances PW1 Ravi in his evidence had said that complainant Prema teacher had taken back Karuppi back home from the Police Station and afterwards her relatives Udayakumar and Karuppaiah had beat Karuppi and caused injuries. As there are contradictions in the evidence of PW13 it was argued that the evidence of prosecution cannot be accepted as per the ruling of the Supreme Court reported in 2009-II-Law Weekly (Crl. 1214). Based on the above judgement assuming for the sake of argument that the injuries on the body of Karuppi, because of beating of relatives of Complainant Prema teacher, the deceased was enquired by the accused until 30.11.2002. When a person under enquiry had suffered injuries proper legal action should have been taken against those who have attacked

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and necessary arrangements should have also been made to give treatment to the injured person by the accused. Not doing that, the accused had enquired the injured person and now claim that the accused had nothing to do with the injuries. As there is a

contradiction between the witness who saw the occurrence and the witness of the medical expert, it cannot be taken as suspicious and the accused cannot be acquitted on that ground. It was argued on behalf of the accused that when PW 1 Ravi and PW 5 Arumugam had mentioned before the Human Rights Commission that Prema teacher treated deceased Karuppi like a child. When Prema teacher herself suspected Karuppi, Karuppi told that she should not remain alive and she was mentally tortured too much by calling her a thief. PW 24 in her evidence that Assistant Collector Paramakudi in his final report had mentioned that Karuppi committed suicide as she was charged with the offence of the theft. Therefore Karuppi did not commit suicide because of the actions of the accused the following judgements were pregsed into service

2009 (1) SCC (Crl) page 387

2002 SCC (Crl) page 1141

The above arguments were examined. The case against Karuppi was registered on 25.11.2002 and though she was enquired until 30.11.2002 the accused could not elicit truth and she was kept in illegal custody and tortured for 5 days.

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Though there was no mens-rea of criminal intent by the accused, the experienced accused who have to act according to law and maintain the liberty of an individual had failed as follows. They had not

treated a women prisoner aged 50 years according to law. They had not conducted the enquiry properly. They had not registered the case properly and they had not done their duty properly. These things induced Karuppi to commit suicide Mens-rea was there is evident from the witnesses examined by the prosecution and also the documents produced by them. Therefore the argument of the accused is not acceptable.

20)It was argued that though PW 8 Asst. Collector visited the place of occurrence and recovered the case diary and the nylon rope they were not produced before the court. Accused 2 to 6 had gone in search of the suspected accused of the case on 30.11.2002 and returned to the Police Station only the next day as found in **ASA6** Likewise first accused had also admitted that he examined Karuppi at 5p.m on 30.11.2002. The above acts had been confirmed by PW 18 Ravichandran HC LO, PW 17 Manoharan Law & Order Inspector. Therefore it could not be held the prosecution case is false as the documents related to the people who were on duty from 25.11.2002 to 1.12.2002 were not produced in the court.

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Likewise the injuries found on the body of the Karuppi were due to the action of outside persons while she was under police enquiry is beyond reasonable imagination. As the prosecution had admitted that Karuppi died due to suicide the none production of the

nylon rope would not in any manner affect the prosecution case and the argument advanced on behalf of the accused cannot be accepted.

21)It was argued on behalf of the accused that no sanction from the Govt. has been obtained to file a complaint from the A1. The following Supreme Court judgements were cited.

1987 Criminal Law Journal page 703

2009 Criminal Law Journal 4178

On the strength of the report given by the District Collector sanction had been accorded to prosecute A1 and 2 as per **ASA18**. Based on that PW19 RDO had filed a private complaint before the CJM Afterwards the Hon'ble Madras HC ordered the case to be transferred to CBCID. Afterwards the witnesses were again examined and permission from the higher authorities have been obtained before filing of charge sheet. The authorities have also perused the charges and after examination of the same have granted permission to file the same. Therefore there is no such infirmity as adduced by the accused and that argument is not admitted.

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As there are contradictions as to whether Karuppi committed suicide or her body was hanged after causing death to her from the evidence of the prosecution it should be taken in favour of the

accused was argued by the counsel for the accused. The following judgements of the Hon'ble Supreme Court were cited

2010 (1) SCC Criminal page 288

2009 (2) Law weekly Criminal page 1214

The case of the prosecution as per the evidence of PW 13 Dr. Balachandran and **ASA 9** post mortem report was the basis to commence the enquiry. It was the case of the Prosecution that due to the excesses of the police the deceased Karuppi underwent mental torture and committed suicide inside the police women lock up by hanging. Afterwards to conceal the same the body was taken removed from the lock up from the police station and hanged in the wireless tower behind it. A FIR was received from a relative of deceased Karuppi and a case was registered thereby diverting the attention of the crime. It was not the case of the prosecution that the accused died due to the physical attack made on her and afterwards to conceal it who was hanged outside. As the prosecution has not taken two stands the argument of the accused is rejected.

23) Finally at the time of occurrence the 1<sup>st</sup> accused was serving as the Inspector in the PS on the Crime side to help him the 2<sup>nd</sup> accused

was working as Sub Inspector. At that time 1<sup>st</sup> accused has taken up the investigation of the case of deceased Karuppi. The 2<sup>nd</sup> accused also joined the inquiry and on the pretext of the investigation made Karuppi to visit the Police Station between 25.11.2002 to 30.11.2002 and caused physical and mental torture. As they induced Karuppi to commit suicide and illegally kept her in the Police Station, to escape from the same they registered a case under 174 Cr.P.C as if the deceased committed suicide by a nylon rope in the VHF tower behind the Police Station. This has been proved beyond any doubt from the prosecution and A1 A2 are found guilty u/S 201,220,306 and 342 IPC.

24)Next, A3 to A4 during the enquiry by A1 and A2 caused injury to deceased Karuppi by beating her with a scale and because of the torture and out of shame they induced Karuppi to commit suicide. In order to escape from the punishment they concealed the fact of her committing suicide in the Police Station and were parties to suppress the above fact along with A1, A2 to take the body to the back side of the Police Station and hang it on a VHF tower. Though they are duty bound to inform the incident to the superior officer and it has been proved beyond by any doubt from the prosecution.

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Therefore A3 to A5 are found guilty u/S 201, 220, 323, 342, 306 r/w 34 IPC.

25) Next A6 in order to conceal the suicide of deceased Karuppi inside the Police Station due to the excesses of A1 and A2 was a party to remove the body illegally to the backside of the Police Station and hang the same in nylon rope. The information of the death of deceased Karuppi was not informed to the higher officials as he was duty bound to do it. The prosecution has proved beyond doubt and found him guilty u/S 201, 202, 220, 342 IPC

26) Next Accused 7 who was on duty on 30.11.2002 had failed to record custody of deceased Karuppi in the case diary and also failed to record all that happened subsequently and with an ulterior motive had not informed them to higher officials. The prosecution has proved is beyond doubt and found him guilty u/S 202

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27) Lastly A8 was on watch duty on 30.11.2002 at the Police Station. He failed to inform the higher officials the illegal custody of the deceased Karuppi her committing suicide out of shame because of police excesses and removing the body from the PS and to hang it in the VHF tower behind Police Station had been proved beyond doubt by the prosecution and found guilty u/S 201, 202.

28) When accused were asked to comment about the punishment after giving time the following was their explanation.

1. The first accused was aged more than 58 years, suffering from several deceases, his father aged 90 years was with him. His

son is abroad. As he has to look after the family minimum sentence was pleaded.

2.2<sup>nd</sup> accused said that he was 64 years. He was surviving on medicines prescribed by doctors due to an accident which caused injuries in right hand and leg. He was immobilized and pleaded minimum punishment.

3. 3<sup>rd</sup> accused was 53 years. He has to educate his children only on his salary income. He was suffering from blood pressure and diabetic. Hence he pleaded minimum punishment.

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4. Accused 4 was 60 years and hospitalized due to his illness. He has a married daughter and a sick wife. Hence he pleaded minimum punishment

5. Accused 5 is aged 61 years and suffering from diabetic and his aged wife is also suffering from diabetic He has to maintain his mother aged 90 years hence he pleaded minimum punishment.

6. 6<sup>th</sup> accused was aged 65 years and suffering from blood pressure and also and he is undergoing treatment His wife is suffering from a stroke. The accused and his wife live alone and his wife is dependent on him. They have 2 female children. Hence he pleaded minimum punishment.

7. A7 was aged 59 years. His parents are not alive. His wife is suffering from blood pressure and diabetic. He has to look after his wife. His son's marriage engagement has been fixed. Hence he pleaded minimum punishment.

8. Accused 8 was aged 47 years. He has a female child. He suffered from ulcer and his mother is blind who has to be looked after by him. Hence he pleaded minimum punishment.

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29) Looking into the statement of the accused and the nature of the case, the accused having known the procedures to be followed on a complaint given against the deceased Karuppi and there were enough evidence and circumstances to legally summon her and if necessary by arresting her. On their own, misused their official power and violated the human rights, this court feels that they do not deserve any sympathy.

30) Finally as the charges have been proved beyond doubt by the prosecution they were convicted as follows:

<b>Accused</b>	<b>Conviction and Sentence</b>
A1	(1) For the offence under Section 306 of IPC to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs. 1,00,000/- in default to undergo 2 years Rigorous Imprisonment. (2) For the offence under Section 201 of IPC to undergo three years Rigorous Imprisonment.

	<p>(3)For the offence under Section 220 of IPC to undergo 7 years Rigorous Imprisonment.</p> <p>(4)For the offence under Section 342 of IPC to undergo one year Rigorous Imprisonment.</p> <p>(5)Sentence to run concurrently.</p>
A2	<p>(1)For the offence under Section 306 of IPC to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs. 1,00,000/- in default to undergo 2 years Rigorous Imprisonment.</p> <p>(2)For the offence under Section 201 of IPC to undergo three years Rigorous Imprisonment.</p> <p>(3)For the offence under Section 220 of IPC to undergo 7 years Rigorous Imprisonment.</p> <p>(4)For the offence under Section 342 of IPC to undergo one year Rigorous Imprisonment.</p> <p>(5)Sentence to run concurrently.</p>
A3	<p>(1)For the offence under Section 306 read with 34 of IPC to undergo Rigorous imprisonment for 10 years.</p> <p>(2)For the offence under Section 220 of IPC to undergo 7 years Rigorous Imprisonment.</p> <p>(3)For the offence under Section 342 of IPC to undergo one year Simple Imprisonment.</p> <p>(4)For the offence under Section 323 of IPC to undergo six months Simple Imprisonment.</p> <p>(5)For the offence under Section 201 of IPC to undergo Rigorous Imprisonment for 3 years.</p> <p>(6)Sentence to run concurrently.</p>
A4	<p>(1)For the offence under Section 306 read with 34 of IPC to undergo Rigorous imprisonment for 10 years.</p> <p>(2)For the offence under Section 220 of IPC to undergo 7 years Rigorous Imprisonment.</p> <p>(3)For the offence under Section 342 to undergo one year Simple Imprisonment.</p> <p>(4)For the offence under Section 323 of IPC to undergo six months Simple Imprisonment.</p>

	<p>(5)For the offence under Section 201 of IPC to undergo Rigorous Imprisonment for 3 years.</p> <p>(6)Sentence to run concurrently.</p>
A5	<p>(1)For the offence under Section 306 read with 34 of IPC to undergo Rigorous imprisonment for 10 years.</p> <p>(2)For the offence under Section 220 of IPC to undergo 7 years Rigorous Imprisonment.</p> <p>(3)For the offence under Section 342 to undergo one year Simple Imprisonment.</p> <p>(4)For the offence under Section 323 of IPC to undergo six months Simple Imprisonment.</p> <p>(5)For the offence under Section 201 of IPC to undergo Rigorous Imprisonment for 3 years.</p> <p>(6)Sentence to run concurrently.</p>
A6	<p>(1)For the offence under Section 220 of IPC to undergo 7 years Rigorous Imprisonment.</p> <p>(2)For the offence under Section 201 of IPC to undergo Rigorous Imprisonment for 3 years.</p> <p>(3)For the offence under Section 342 to undergo one year Simple Imprisonment.</p> <p>(4)For the offence under Section 202 of IPC to undergo six months Simple Imprisonment.</p> <p>(5)Sentence to run concurrently.</p>
A7	<p>(6)For the offence under Section 202 of IPC to undergo six months Simple Imprisonment.</p>
A8	<p>(1)For the offence under Section 201 IPC to undergo 3 years Rigorous Imprisonment.</p> <p>(2)For the offence under Section 202 to undergo 6 months Simple Imprisonment.</p> <p>(3)Sentence to run concurrently.</p>

31) At the time of occurrence the 1<sup>st</sup> accused was inspector of Police and 2<sup>nd</sup> accused was Sub Inspector under him, the other accused 3 to 8 were working under them and no fine amount levied against them.

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The fine amount of Rs. 1 Lakh levied against A1 be given to PW 2 Sonai as compensation u/S 357 of Cr.PC. The fine amount of Rs.1 Lakh against 2<sup>nd</sup> accused is to be remitted to the Government. As the 1<sup>st</sup> and 2<sup>nd</sup> accused had obtained anticipatory bail on the other accused appeared on summons no action initiated u/S 428 Cr.P.C.

32)The photographs marked as material objects SP1 series in this case is ordered to be kept along with the case file.

This judgment was dictated by me to the stenographer who recorded it in the computer after correcting the same by magnifying it was delivered in the open court on this 14<sup>th</sup> day of February 2014.

Sd

W.Sadasivam

Thiru W.Sadasivam M.A.B.L  
First Sessions Judge,  
Addl. Sessions Judge (FAC)  
Addl. Dist. Court  
Ramanathapuram

## **Witnesses on the side of the Prosecution**

PW1 - Ravi

PW 2 - Sonai

PW3 - Christudass

PW4 - Pandi

PW5 - Arumugam

PW6 - Balammal

PW7 - Edwin Chandrababu

PW8 - Aziz Chatterjee

PW9 - Sonaimuthu

PW10 - Prema

PW11 - Subramani

PW12 - Sethuraja

PW13 - Balachandran

PW14 - Subash

PW15 - Janakiraman

PW16 - Udhayakumar

PW17 - Manoharan

PW18 - Ravichandran

PW19 - Dhandabani

- PW20 - Natarajan
- PW21 - Paramasivam
- PW22 - Devendran
- PW23 - Mahendravarman
- PW24 - Henri Tiphagne
- PW25 - Lakshmikandhan
- PW26 - Ananthakumar
- PW27 - Ashokumar Dass
- PW28 - Mehanathan
- PW29 - Manohar
- PW30 - Pradeepkumar
- PW31 - Dhayalan Tamilselvan

Exhibits marked on the side of the Prosecution

1.	01.12.2002	Complaint Statement
2.	01.12.2002	Preliminary report of Sub Collector, Paramakudi
3.	02.12.2002	Order of the District Collector, Ramanathapuram
4.	10.12.2002	Inquisition Report
5.	10.12.2002	Report of Sub Collector, Paramakudi
6.	-	Depositions (series) of witnesses given before the Sub Collector, Paramakudi

7.	14.04.2009	Observation Mahazar
8.	29.012.2009	Observation Mahazar
9.	01.12.2002	Post-mortem Report
10.	-	The final report given by 3 doctors of Govt. Hospital
11.	01.12.2002	Accident Register extract issued to PW3
12.	01.12.2002	Accident Register extract issued to PW 5
13.	01.12.2002	Accident Register extract issued to John
14.	25.09.2009	Order passed by DIG granting permission to prosecute the accused
15.	01.12.2002	Telegram received by Assistant Collector
16.	06.09.2008	Order of the Hon'ble High Court, Madras
17.	-	Postal Acknowledgement card
18.	12.01.2006	Permission received granted by Law & Order for prosecuting the accused
19.		Private complaint u/S 200 Cr.P.C lodged before the Revenue Divisional Officer cum the Sub Divisional Magistrate
20.	16.10.2009	Permission granted by the Superintendent of Police for prosecuting the accused
21.	02.10.2009	Permission granted by the Superintendent of Police for prosecuting the accused
22.	29.12.2009	Sample sketch

23.	05.02.2009	Letter written by the Deputy Superintendent of Police to Madurai Government Hospital
24.	06.01.2009	Letter received by Deputy Superintendent of Police letter from Government Hospital, Madurai
25.	14.04.2009	Sample Sketch
26.	11.12.2002	Visceral analysis report
27.	12.12.2002	Chemical Analysis Report
28.	01.12.2002	First Information Report (FIR)

### **Witnesses on the side of the Defence**

1. Shahul Hameed

### **Defence side exhibits**

1.	03.02.2002	The deposition given by PW 5 – Tmt. Arumugam before Human Rights Commission
2.	03.02.2002	The deposition given by PW 3 – Mr. Christudass before Human Rights Commission

### **Material Objects marked**

1. Photos series of the deceased Karuppi

(sd) W.Sadasivam