

TN CB-CID seeks sanction to prosecute IPS officer in custodial torture case

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Five months after an FIR was filed against IPS officer Balveer Singh on charges of custodial torture, the Crime Branch-Criminal Investigation Department (CB-CID) has completed its investigations, submitted its findings and commenced the procedures to seek sanction from the government for prosecution, multiple people in the know of the case said.



Singh, a 2020 batch officer, is accused of pulling the teeth of more than a dozen men, crushing the testicles of two men, and beating two minors aged 16 and 17 across four police stations in his jurisdiction in Tirunelveli district's Ambasamudram.

The investigating officers collected blood stains from eight places in the Ambasamudram police station, say court documents filed by the CBCID and seen by HT. Ninety witnesses were questioned and on July 26 the wounds of the victims were examined by the Tirunelveli Medical College Hospital.

On September 25 the CBCID submitted a sealed cover of the findings against Singh stating that they have commended procedure to seek sanction which seems contrary to their earlier documents in which the agency has said that they are awaiting sanction for prosecution from the government.

"Awaiting for sanction of prosecution from Government against Balveer Singh IPS..." read the affidavit by the deputy superintendent of police, CB-CID, Tirunelveli, R Sankar on September 19. The CBCID headquarters has approved the final report, the investigating team said.

On March 10 when the alleged custodial torture took place, the agency has said that at 12.28 noon, Singh called head constable and writer of the Ambasamudram station, Vincent to switch off the CCTV with which he compiled without knowing why. The agency has also found proof to "prosecute negligent police" for violating section 201 of the IPC—which relates to causing disappearance of evidence.

"The CB-CID has submitted the charge sheet in sealed cover to the high court on September 25," said human rights advocate Henri Tiphagne, defending minor boys involved in the case in court. Additional advocate general Veera Kathiravan representing the CB-CID also said that they have submitted the findings of the investigation to the court. "CB-CID has completed investigations but there are several procedures to obtain sanction so we have sought more time."

The minors, who belong to the scheduled caste community, moved court seeking speedy filing of the charge sheet against the officer who was in his first posting in the rank of an

assistant superintendent of police (ASP). They also sought a report on the enquiry conducted by senior official P Amudha, who is now the principal secretary of the state government's home department and the footage of the CCTVs installed in the police station.

The CBCID told the court that Amudha's report is "highly confidential" since it was based on her report that the case was transferred to them. The government is also tightlipped about another report based on the first enquiry conducted in the case in March under Police Standing Orders 151 by Mohammed Shabbir Alam, the Cheranmahadevi sub-divisional magistrate.

Amudha did not respond to HT's calls, emails and messages. Another senior officer in the chief minister's office said, "I have no idea about the case" when asked about the pendency of the sanction for prosecution. G Venkataraman, additional director general of police, CB-CID did not respond until the time of writing.

Earlier this month, activists wrote to chief minister M K Stalin seeking "immediate sanction to CBCID for prosecution" against Singh and other police officials in charge of Ambasamudram sub-division for swift justice for the victims. Activist Jayaram Venkatesan said that they had sought information through Right to Information (RTI) from the Home department but it was rejected citing confidentiality. "We have reliably learnt that the CBCID has sought sanction for prosecution from the Home department and that the file is pending there for long," said Venkatesan. "The Government seems to be working overtime to hide information on the status of the investigation and sanction for prosecution rather than functioning transparently in this case. The delay in prosecution will influence the case as those involved are powerful police officials."

The IPS Officers' Association Tamil Nadu Chapter (TNIPSA) had earlier in April called for a stop to the media trial covering the case against Singh in a "selective manner" which would influence investigation. The letter did not go down well even among other IPS officers in the Tamil Nadu cadre. "Not all of us were consulted before the letter was released. Some of us think that a probe must be completed in the face of such serious allegations," said an IPS officer in the rank of the Inspector General, not wishing to be named.

Stalin had announced the suspension of Singh during the assembly session in April adding that custodial torture will not be tolerated in the state. Singh has been booked under several sections of the IPC including atrocities against the SC/ST Act.

The alleged custodial torture happened on March 10 but the incident came to light a month later after three men — E Esakimuthu, his younger brother Chellapa and their relative Arul— in a video narrated brutality they were subject at the police station under Singh. "ASP sir just kept shouting the words "gang-war" in English repeatedly at us," Esakimuthu had told HT in April. "ASP sir went inside one room, changed his uniform and he was wearing a white vest, trousers, white gloves. He even changed his shoes."

The men said that they suffered hours of brutality and torture before they were let off at 11.30 that same night. Soon after the video, several others came forward with similar complaints of being beaten with lathis, their teeth broken with stones. Photos of their missing premolars, incisors and canine teeth have also been widely shared. One of the victims turned hostile saying that he fell down and broke his tooth.

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