

POLICE DEPARTMENT

From:
B.K. Ravi, IPS.,
Dy. Inspector General of Police,
Social Justice & Human Rights,
Chennai-4.

To: S. R. V. C. S. 9
The Deputy Director,
National Commission for Scheduled Tribes,
Lok Nayak Bhawan, New Delhi-110003.

Rc.No. B1/63/2010, Dated: 21.01.2010.

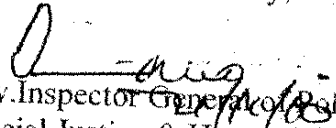
Sir,


Sub: Police - Social Justice & Human Rights, Chennai - Furnishing of
reply - Regarding.

Ref: Your file No. (i) HT/Atrocity/TN/949/2008/RU-IV
(ii) HT/Atrocity/TN/848/2008/RU-IV
(iii) HT/Atrocity/TN/776/2008/RU-IV
(iv) HT/Atrocity/TN/45/2009/RU-IV
(v) HT/1/2009/STGTN/AT RAPE/RU-IV.

In continuation of our discussion held on 12.01.2010, I am sending herewith the
reply for the petitions as mentioned in the reference cited.

Yours faithfully,


Dy. Inspector General of Police,
Social Justice & Human Rights,
Chennai-4.


28.1.10.

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REPLY TO THE FILE NO. HT1/2009/STGTN/ATRAPE/RU-IV

On 13.11.08 at 20.15 hrs one Ayammal 25 (Irular – ST) D/O Ranganathan Gandhinagar Anaieri, Gingee taluk preferred a complaint in the Anandapuram Police station, alleging that, on 12.11.08 at 1500 hrs when she was irrigating water to the sugarcane field, belongs to one Anandan S/O Kodandarama Gounder of Anaieri, one Chinnaiyan @ Chinnasamy S/O Kariya gounder @ Karivaradha Gounder of Keelnellimalai pulled her inside the sugarcane field and attempted to molest her. On the alarm raised by her one Tamilarasi and Priya who were there rescued her from the culprit and requested action against the accused.

On the complaint of Ayammal, Tr.Ganesan, Circle Inspector registered a case in Anandapuram PS Cr.No.216/08 u/s 354 IPC r/w sec 3(1)(XI) SC/ST (POA) Act and Deputy Superintendent of Police Gingee took up the investigation. During investigation the land owner deposed that he had not insisted the petitioner to irrigate water to his sugarcane field on 12.11.08 and she was not employed by him for that purpose on that day. Further he mentioned that water was not let in to his sugarcane field on 12.11.08.

In the mean time the above said Chinnayan @ Chinnasamy committed suicide on 18.11.09 at his village Keelnellimalai, in Kandachipuram PS limit and in this connection a case in Kandachipuram PS Cr.No.282/08 u/s 174 CrPC was registered and investigated.

On 12.11.08 after completion of the investigation the IO came to a conclusion that, the case was a fabricated one and referred the case as "Mistake of Fact" and placed the History of the case before the Vigilance and Monitoring Committee's approval on 28.7.2009.

Vigilance and Monitoring Committee headed by the District Collector, after careful consideration gave its consent to refer the case as "Mistake of Fact". Accordingly the case was referred as "Mistake of Fact".

Reply to the prayer/request made by the Director, people watch to the National Commission for Scheduled Tribes.

i) **Pray:** "directing the Director General of Police, Chennai and Superintendent of Police, Villupuram District, Villupuram to alter the FIR in crime No.216/2008 of Anandapuram police station by including the provisions of sec. 359, 363, 341 and 376 IPC and sec.3(1)(XI)(XII) and 3(2)(V) of SC/ST (PA) Act, 1989 and sec 3 and 4 TN Prohibition of Harassment of Women Act, 1998 against the perpetrator and to arrest him immediately;"

Reply: Since the case was treated as a fabricated one, and referred as "Mistake of Fact", after the approval of the District Vigilance and Monitoring Committee(as per 17 of SC/ST (POA) Rule, 1995) which is held on 27.07.2009, there is no question of

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including the provisions of sec. 359, 363, 341 and 376 IPC and sec.3(1)(XI)(XII) and 3(2)(V) of SC/ST (PA) Act, 1989 and sec 3 and 4 TN Prohibition of Harassment of Women Act, 1998.

ii) **Pray:** "to initiate departmental action also against the police of Anandapuram police station who failed to invoke the relevant provisions of law in the FIR and to arrest the perpetrator and when the mother was complained of to them."

Reply: Since the case was referred as Mistake of Fact, no departmental action can be taken against the police officials of Anandapuram police station.

II

i) **Pray:** "recommending the Govt., of Tamilnadu to pay adequate relief amount under SC/ST – Rules 1995 to the parents of the victim Ayyammal."

Reply: Since the case was referred as Mistake of Fact, and approved by the District Vigilance and Monitoring committee, monetary relief assistance under SC/ST Rules 1995 cannot be recommended for Ayyammal.

ii) **Pray:** "to ensure adequate protection to the family of the victim and thus render justice."

Reply: Necessary protection will be given as and when necessary.
