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POLICE DEPARTMENT

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

To:
The Deputy Director,
National Commission for Scheduled Tribes,
Lok Nayak Bhawan, New Delhi-110003.

Re.No. B1/63/2010. Dated: 21.01.2010.

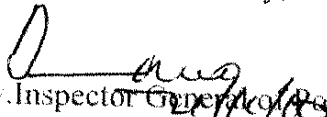
Sir,

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.

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ANNEXURE
REPLY TO THE FILE NO. HT/ATROCITY/TN/949/2008/RU-IV

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The said victim Murugan, S/o Muthu, Kattunaicker, Manthithoppu, Kovilpatti, Thoothukudi District having three crime cases against him which are 1) Tirunelveli Town PS Cr.No.139/2001 u/s 457, 380 IPC, 2) 591/2001 u/s 379 IPC 3) Kovilpatti West PS Cr.No.984/2005 u/s 454, 380 IPC. In the above all cases he was arrested and sixty one and half (61.5 grams) gold ornaments were seized from various places on his confession. He was sent to Judicial custody for the above offences and two cases are pending trial and one case in Kovilpatti West P.S. ended in acquittal u/s 248 (i) Cr.PC on 12.10.2006. A suspect History Sheet was opened against him in Kovilpatti West P.S. on 30.11.2006 and he is being under watch as a routine.

The said victim's wife Kalliammal @ Pappathi having five crime cases against her and in four of them she got conviction from the court of law. One case was charge sheeted in Central Crime Branch, Thoothukudi in Cr.No.269/2008 u/s 379 IPC. In all the five cases the property recovered from her. The cases against her are 1) Sivakasi PS Cr.No.2168/2000 u/s 379 IPC, 2) Nagercoil CCS PS Cr.No.249/2001 u/s 379 IPC, 3) Kurumbur PS Cr.No.81/2002 u/s 379 IPC, 4) Pudukkadalai PS Cr.No.212/2004 u/s 379 IPC 5) Thoothukudi PS Cr.No.269/2008 u/s 379 IPC

The said victim Murugan's mother Rathinammal having eight cases against her in Nagercoil District. In these cases 353 gram of gold and Rupees One Lakhs and Thirty Three Thousand and Five hundred were recovered from her and now she is in judicial custody at Thakkalai Sub-Jail from 05.11.2009.

Thiru. Ellappan, Inspector of Police now working at Krishnagiri District then worked at Central Crime Branch Inspector and Sub-Inspector Thangaraj now at SIPCOT PS then Sub-Inspector of Police at North Crime Branch, Thoothukudi, Sub-Inspector of Police Syrez now Special Branch, S.I. then in the special party were nominated to detect crime cases. Head Constable Karuppasamy also then worked in Special Party.

In the petition it is mentioned that on 29.06.2008 the police came to Murugan's house and took him along with his mother to Crime Branch Police Station. But on 24.06.2008 itself Murugan's mother and wife were caught red handed by the public for theft in bus and arrested and sent for judicial custody in Central Crime Branch, vide Thoothukudi P.S Cr.No.269/2008. In this petition it is also mentioned the Inspector Ellappan and team went to Murugan's house and beaten him and harassed his family members. But on 05.07.2008, Thiru. Ellappan, Inspector of Police was at Krishnagiri District C.J.M. Court to give evidence in Nanthikuppam PS Cr.No.117/2006, 130/2006 and 343/2006.

And on Murugan's own statement given at G.H. Kovilpatti, while he was a inpatient on 6.07.2008, he said that on 5.7.2008 night at about 10.00 hrs. three unknown persons called him to police station and they themselves called police. He further stated that he refused to go with them and when they tried to catch him he run away towards the back side of his house and fell down on the iron fencing and sustained injuries on his chest, stomach and hand. The statement was recorded by Sub-Inspector Subbiah of Kovilpatti West P.S. and signed by Murugan and Murugan's mother Rathinammal also signed as a witness in the same statement. In this regard a case in Kovilpatti West P.S. Cr.No.379/2008 u/s 341, 324 IPC was registered and later it was referred on 13.03.2009 after proper investigation and obtaining opinion from the Assistant Public Prosecutor.

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The enquiry reveals that the said victim Murugan and his mother and wife are habitual crime offenders and having many cases in their credit. All were sent for judicial custody and they spent many months in the jail. Many stolen properties were recovered from them. It is the duty of the police to prevent crimes and to watch criminals. The unknown persons may be police officials in muftty. On the presumption that they came to arrest him, he escaped and dashed against the iron fencing and sustained injuries. Now he is accusing Inspector Ellappan and his party. It is clear that on the same day Inspector Ellappan attended Krishnagiri C.J.M. and J.M. Court to give evidence in three cases. It is not possible to him to travel from Krishnagiri to Kovilpatti with in three hours after finishing his evidence by 5 or 5.30 pm in the court.

Enquiry reveals that to avoid further enquiries and shadowing by police, Murugan and his family members are creating false allegations against Inspector Ellappan and his party.

Prayer of the petitioner and reply given below:

Pray - 1(i) To direct the Director General of Police and the Superintendent of Police, Thoothukudi to register criminal cases against police officials who accused in the petition.

Reply : Since, the accused and his family members were arrested and properties were recovered in the above mentioned crime cases by the Inspector and his party there is no need to registered crime cases against police officials who accused in the petition.

Pray - I (ii) to initiate departmental action against police officials and suspend them.

Reply : When no offence found on the police officials according to enquiry, there is no necessity to initiate departmental action or suspension against them.

Pray - II (i) Recommending the Govt of Tamilnadu to pay adequate relief amount to the victims under SC/ST Rules 1995.

Reply : When there is no SC/ST harassment made out even in the complaint of the said victim in his statement, the question of giving relief amount as per the SC/ST (POA) Rules, 1995 does not arise.

Pray II (ii) To prosecute the concerned police officials of West Police Station Kovilpatti u/s 4 of SC/ST (P.A.) Act 1989.

Reply : On the complaint of the petitioner, a case in Kovilpatti West P.S. Cr.No.379/2008 u/s 341, 324 IPC was registered and later it was referred after investigation and obtained opinion from the Assistant Public Prosecutor. Since the case was referred as 'Mistake of Fact', there is no necessity to initiate action against the police officials u/s 4 of SC/ST (POA) Act 1989.

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Pray II (iii) To withdraw the false cases registered against the Murugan.

Reply : There are three cases against him. In two cases, stolen properties were recovered through Murugan's confession and the cases are under trial. At this juncture, It is not possible to withdraw the cases against Murugan.

Pray II (iv) To ensure adequate protection to the victim and his family members.

Reply : When the said victim and his family members are continuously doing crime offences, it is not necessary to give adequate protection to them when there is no real threat to them.

By Fax.

POLICE DEPARTMENT

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

To:
The Dy. Director,
National Commission for Scheduled Tribes,
Lok Nayak Bhiawan, New Delhi-110003.

Rc.No. B1/63/2010 Dated: 08.01.2010.

Sir.

Sub: Meeting - Meeting proposed to be convened by the Hon'ble Member, National Commission for Scheduled Tribes on 12.01.2010 at New Delhi - Regarding.

Ref: Fax Message in Rc.No.001061/Crime.IV (2)/2010, dated: 07.01.2010 of the DGP, Chennai-4 and NCST Ref.No: HT/Atrocity/TN/45/2009/RU-IV, dated: 5.1.2010.

With reference to the your letter communicated by the Director General of Police, Tamil Nadu, Chennai cited the required reports pertaining to below mentioned File Nos in connection with the proposed meeting to be held on 12-01-2010 at your Office are attached herein. Also I hereby confirm to attend the above meeting.

- (i) HT/Atrocity/TN/848/2008/RU-IV.
- (ii) HT/Atrocity/TN/949/2008/RU-IV.
- (iii) HT/Atrocity/TN/776/2008/RU-IV.

Yours faithfully,


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

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13/01/2010
14/1/2010

11.1.10

Reply to File no.

HT/Atrocity/TN/149/08/
KU-IV**KIND ATTENTION OF THE INSPECTOR GENERAL OF POLICE, SOCIAL JUSTICE AND HUMAN RIGHTS, CHENNAI-4**

From

Deputy Supt. of Police,
Social Justice and Human Rights,
Tirunelveli Zone.

To

The Inspector General of Police,
Social Justice and Human Rights
Chennai - 4.C.No. 50/DSP/B.J&HR/Tirunelveli Zone/2009 Dated: 08.01.2010

Respected Sir,

Sub: Petition - Petition of Tr. Murugan, S/o Muthu No.808, Rajagopal Nagar,
Manthithoppu, Kovilpatti, Thoothukudi District - petition enquiry report sent -
regarding.

Ref: C.No.B1/1892/454/2009 Dated: 15.07.2009.

1. PetitionerMurugan, S/o Muthu,
No.808, Rajagopal Nagar,
Manthithoppu, Kovilpatti,
Thoothukudi District.2. Counter PetitionerElappan,
Inspector of Police,
Central Crime Branch,
Thoothukudi District and 2 Police personnel.

3 Chief of the Petition: The Crime Branch Inspector and 2 constables of Thoothukudi North Crime Branch said to be taken over a mobile phone worth Rs.4,000/- from the complainant's mother on 29.06.2008. In this connection the petitioner along with other 30 members presented a complaint petition to the District Collector. So that, the said Inspector and 2 constables went to the petitioner's house on 05.07.2008 and threatened the petitioner and his sister and assaulted them. The petitioner admitted in Govt. Hospital, Kovilpatti for treatment. While taking treatment two constables from Kovilpatti West P.S. came there and recorded his statements and also got signatures in plain papers. But no action was taken against the counter petitioner.

4 Enquiry OfficerA. Mohan Navas,
Deputy Superintendent of Police,
Social Justice and Human Rights,
Tirunelveli Zone.

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6. Enquiry Report The petitioner is residing at Manthihoppu village located in Kovilpatti West Police Station limit with his wife Kaliammal, mother Rathinammal and his brothers and sisters. On 24.06.2008 at about 10.30 hrs the petitioner's wife Kaliammal and his mother Rathinammal were committed theft of pocket picking of Rs.200/- from one Shanmuga Raj at Thoothukudi old bus stand. In this connection a case in Cr.No.269/2008 u/s 379 IPC was registered at Thoothukudi Central Crime Branch and Inspector of Police Tr. Elleppan investigated the case and arrested the accused and the case was charged on 25.06.2008 and is P.T. The petitioner and his family members are in the habit of committing theft and pocket picking. The following cases are registered against the petitioner.

- I) Tirunelveli Town PS Cr.No.138/2001 u/s 467, 380 IPC - property 25 gram gold ornaments.
- II) Tirunelveli Town PS Cr.No.591/2001 u/s 379 IPC - Property Gold chain weighting 4 1/2 sovergn.
- III) Kovilpatti West PS Cr.No.994/2008 u/s 454, 380 IPC -Convicted on 12.10.2008 CC No.345/2005.
- IV) A case in Tirunelveli Junction (Crime) PS Cr.No.71/20-08 u/s 379 IPC was registered against petitioner's mother Rathinammal.
- V) A case in Thoothukudi District Eral PS Cr.No.316/2005 u/s 379 IPC was registered against petitioner's wife.

A Suspect History Sheet No.90/2008 was opened against the petitioner in Kovilpatti West PS and is being watched.


On 05.07.2008 at about 11.20 PM when the petitioner was admitted in Kovilpatti G.H. he told the Doctor that he was assaulted by 3 known persons by hands and stick and the same was entered in the Accident Register.

In this regard when the S.I. Tr. Subbiah of Kovilpatti West PS went to the G.H., the petitioner told his statement that 3 persons came to his house introduced themselves as Police and asked him to come to the Police Station. In view of fearness, to escape, the complainant ran and dashed against the wire fencing located at the backyard of his house for which he sustained injuries on his chest, stomach and left hand and he was admitted at G.H. Kovilpatti by his wife. In this connection a case in Kovilpatti West PS Cr.No.379/2008 u/s 341, 324 IPC was registered and is being investigated by S.I. Tr. Subbiah. On 05.07.2008 the counter petitioner went to C.I.J. court, Krishnagiri to give evidence in Nanthukuppam P.S. Cr.No.117/2008, 130/2008, 343/2008.

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6) Enquiry Findings: The petitioner and his family members (Wife and mother) are the habit of committing thefts and house breaking. A Suspect history Sheet No. 90/2008 is being maintained in Kovilpatti West P.S and the movements of the petitioner is being watched. Thoothukudi Central Crime Branch Cr.No.267/2008 u/s 379 IPC was registered against the petitioner's wife and mother and the case was investigated by the counter petitioner. On 05.07.2008 night when the petitioner went to G.H. and told the Doctor that he was assaulted by 3 known persons with hand and stick and the same was entered in the accident register by Medical Officer. On 06.07.2008 the petitioner given a statement to the S.I. Tr. Subbiah that he sustained injury when he was run towards back yard of his house and dashed against a wire fencing. In this connection already a case was registered in Kovilpatti West P.S. Cr.No.379/2008 u/s 341, 324 IPC and being investigated by S.I. Tr. Subbiah.

On the particular date 05.07.2008 the counter petitioner went to Krishnakin C.J.M. Court to give evidence in Nanthikuppam PS Cr.Nos.117/2008, 130/2008 and 343/2008 and he was not present in Thoothukudi. My enquiry reveals that the petitioner's allegation against the counter petitioner is false. In view of threatening the police officials the petitioner submitted a petition containing the false allegations against the counter petitioner. Hence, no further action is necessary.


Deputy Superintendent of Police,
Social Justice and Human Rights,
Tirunelveli Zone