



WP Crl(MD)NO.1392 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.03.2026

CORAM

**THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI**

**WP CRL.(MD). No.1392 of 2026**

A.Rajeshkannan,

... Petitioner

Vs

1. The Home Secretary,  
Office of the Home Secretary,  
Govt. of Tamil Nadu,  
Secretariat, St. George Fort,  
Chennai - 600 009..
2. The Director General of Police,  
Office of the Director General of Police,  
Head of Police Force,  
Govt. of Tamil Nadu, Dr.Radhakrishna Salai,  
Mylapore,  
Chennai- 600 004..
3. The Additional Director General of Police,  
Office of Additional Director General of Police (A.D.G.P.),  
Crime Branch Crime Investigation Department (C.B.C.I.D).  
No.220, Pantheon Road,  
Egmore,  
Chennai-8.
4. The Inspector General of Polcie,  
Office of the Inspector General of Police,  
South Zone,  
Madurai, Madurai District..



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5. The Superintendent of Police,  
Office of the Superintendent of Police,  
Sivagangai District..

6. The Deputy Superintendent Of Police,  
Office of the Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District..

7. The Inspector of Police,  
Manamadurai Police Station,  
Sivagangai District..

8. The Inspector of Police,,  
Office of Inspector of Police (Cbcid)  
Kangirangal,  
Tiruppathur Road,  
Sivagangai District..

9. The Dean,,  
Government Medical College Hospital,  
Sivagangai,  
Sivagangai District..

10. The Dean,  
Government Rajaji Hospital,  
Goripalayam,  
Madurai District..

... Respondents

**Prayer:-** To issue a Writ of Mandamus, Orders or direction in the nature of Writ to the Respondents 1,2,4,5,6 and 7 to register an independent criminal case for the offence of murder arising out of brutal custodial torture under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023, along with the appropriate provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended), based on the complaint dated 08.03.2026 preferred by the father of the deceased. The petitioner has



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further prayed for transfer of the investigation to the third respondent herein, namely, the Crime Branch–Criminal Investigation Department (CBCID), and for a direction that the investigation be periodically monitored by this Court and completed within a period of 60 days in accordance with the provisions of the SC/ST (POA) Act.

For Petitioner : Mr.Henri Patrick Tiphang  
For R1, R9 and R10 : Mr.M.Ajmal Khan  
Additional Advocate General  
assisted by Mr.C.Satheesh  
Government Advocate(Civil Side)

For R2 to R8 : Mr.S.Ravi  
Additional Public Prosecutor

### **ORDER**

The learned counsel appearing for the petitioner produced before this Court the Community Certificate issued by the Tahsildar, Manamadurai Taluk, Sivagangai District, certifying that the deceased, namely Thiru. Akash Delison, S/o Thiru. Rajeshkannan, belongs to the Scheduled Caste community. The learned counsel would submit that the present case is a clear instance of custodial death allegedly arising out of torture, and therefore the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, are immediately attracted.

2. Drawing the attention of this Court to the remand report issued by the



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learned Judicial Magistrate, Manamadurai in Crime No.93 of 2026 on the file

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of Manamadurai Police Station, dated 07.03.2026, the learned counsel contended that the materials contained therein themselves disclose circumstances strongly indicative of custodial violence. It was further submitted that since the deceased admittedly belongs to a Scheduled Caste community, the application of Section 3(2)(v) and (vii) of the SC/ST (POA) Act becomes automatic.

3. The learned counsel also emphasized that the statutory framework under the SC/ST (Prevention of Atrocities) Act, 1989, particularly in view of Section 18-A, clearly mandates that no preliminary enquiry is required before the registration of a First Information Report. According to the learned counsel, despite the gravity of the allegations and the statutory mandate, the State has shown reluctance in promptly registering a case under the relevant provisions of law.

4. Per contra, the learned Additional Advocate General submitted that one Jayakumar (37/26), S/o Pandian, Jeeva Nagar, Railway Colony, Manamadurai (Agamudaiyar), and his friend Azhagar (40/26), S/o Ramakrishnan, Adhanur, Manamadurai (DKV), on 05.03.2026 at about 22.30



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hrs, after finishing their work, went on a two-wheeler and purchased some

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goods at a petty shop near Krishnarajapuram. At that time, the deceased Akash Delison (26/2026), S/o Rajeshkannan, Manamadurai (DKV) (HS No.517/23 – C Category), along with his friend Guna (23/26), S/o Rasu, Krishnarajapuram Colony, Manamadurai (DKV), came there in a drunken state and damaged Azhagar's two-wheeler, which resulted in a wordy quarrel. Thereafter, Azhagar and Jayakumar approached the elders of the area and requested them to warn the deceased Akash and his friend Guna. Due to this, on 06.03.2026 at about 00.30 hrs, while Azhagar and Jayakumar were talking near Seyon Nagar, Railway Colony, Manamadurai, the above accused came on a two-wheeler, intercepted them and assaulted them with swords, causing cut injuries on Azhagar's head and on Jayakumar's right hand and head. Both the injured persons were admitted to GH, Manamadurai and later referred to Government Medical College Hospital, Sivagangai for treatment.

5. He further vehemently contended that based on the complaint given by the injured Azhagar, a case was registered at Manamadurai PS in Cr. No. 93/2026 under Sections 324(2), 296(b), 118(1), 109(1), and 351(3) BNS on 06.03.2026 at 10.00 hrs. The investigation was entrusted to Thiru Thilipan, Inspector of Police, Thiruppuvanam, as per the proceedings of the Deputy



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Superintendent of Police, Manamadurai Sub-Division. Based on information,

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the police party rushed to the Melapasalai Railway Bridge area at about 16.30 hrs where the accused were suspected to be wandering. On 06.03.2026 at about 17.00 hrs, both the accused were secured and two swords were seized. During the process of arrest, the accused Akash Delison attempted to flee and jumped from the Melapasalai Railway Bridge, due to which he sustained injuries. He was immediately taken to GH, Manamadurai at 18.10 hrs with a police memo.

6. He further submitted that later at 19.08 hrs, he was referred to Government Medical College Hospital, Sivagangai for treatment. While the other accused, Guna, was remanded to Judicial Custody on the same day between 21.00 to 21.30 hrs, since Akash Delison was immobilized due to the injuries sustained, on request, the Judicial Magistrate, Manamadurai visited Government Medical College Hospital, Sivagangai on 07.03.2026, around 10.00–10.30 hrs, and remanded him to Judicial Custody till 18.03.2026 with directions to lodge him in the Convict Ward at Government Rajaji Hospital (GRH), Madurai. Accordingly, he was referred to Government Rajaji Hospital, Madurai, around 11.45 hrs and was admitted in the Convict Ward at Government Rajaji Hospital, Madurai, at 13.15 hrs. While undergoing treatment as inpatient at Government Rajaji Hospital, Madurai on 08.03.2026,



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morning he experienced breathing difficulty, albeit a team of doctors

attending / attempting to revive him. He passed away at about 5.45 hrs.

7. He further placed before this Court a status report detailing the steps already taken by the State machinery and submitted that the investigation has been immediately transferred to the Crime Branch – Criminal Investigation Department (CBCID) and that substantial progress has been made in the investigation. The relevant portions of the status report are summarised as follows:

*“Rajesh Kanna, Jailer, Madurai Central Prison, gave a complaint before B.G. Selvakumar, Sub Inspector of Police, Madurai E4 GRH Police Station, stating that Remand Prisoner Akash Telison, aged 26 years, who was undergoing treatment at Government Rajaji Hospital, Madurai, had died on 08.03.2026 at about 05.45 hours. Based on the said complaint, a case was registered in Madurai E4 GRH Police Station in Crime No.21 of 2026 under Section 196 BNSS on 08.03.2026 at about 12.55 hours for enquiry into the cause of death.*

*As per the orders of the Director General of Police /Head of Police Force, Tamil Nadu, in Rc.No.13314226/Crime 3(2)/2026 dated 09.03.2026, the above case was transferred to the Crime Branch CID for further investigation. In continuation of the above orders, as per the proceedings of the Additional Director General of Police, CBCID, the case was re-registered as Madurai City CBCID Crime No.1 of 2026 under Section 196 BNSS on 09.03.2026 at about 07.40 hours and taken up for investigation.*



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On 09.03.2026, the complainant Rajesh Kanna, Jailer, Madurai Central Prison, and Ravi, Assistant Jailer, Madurai Central Prison, were examined and their statements were recorded under Section 180(3) BNSS. On the same day, the post-mortem examination of the deceased Akash Telison conducted at Government Rajaji Medical College Hospital, Madurai, was attended by the Investigating Officer.

A requisition letter was given to the Superintendent of Prison, Madurai Central Prison, requesting to furnish the prisoner admission register and connected records relating to the admission of the deceased remand prisoner.

On 10.03.2026, the Investigating Officer visited Government Rajaji Medical College Hospital, Madurai, where the deceased had been admitted for treatment. An Observation Mahazar and Rough Sketch were prepared at Ward No.99 in the presence of independent witnesses.

A requisition was given to the Head of Department, Forensic Medicine Department, Government Medical College, Madurai, requesting to furnish the Post-Mortem Certificate, and the same has been received. The final opinion of the post-mortem report is awaited.

The scene of occurrence at Melapasalai flyover, Manamadurai, where it was alleged in the FIR that the deceased had jumped while attempting to evade arrest, was visited and an Observation Mahazar and Rough Sketch were prepared in the presence of independent witnesses. The Assistant Director, Forensic Science Department, was requested to examine the said scene of occurrence and the forensic expert visited the scene of occurrence and examined the same. The report is awaited in this regard.



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*The Manamadurai Police Station was visited and a requisition was given to the Inspector of Police, Manamadurai Police Station, requesting to furnish the station records and other connected records. A requisition was given to the Chairman, District Level Oversight Committee, requesting the CCTV footage of Manamadurai Police Station from 05.03.2026 to 07.03.2026, and the same has been obtained. The said footage will be sent to the Regional Forensic Science Laboratory (RFSL) for analysis through the jurisdictional Judicial Magistrate Court, Madurai.*

*Government Hospital, Manamadurai, where the deceased was initially treated, was visited and requisitions were given requesting the Accident Register entry, OP day-wise patient register, referral register and CCTV footage of the hospital premises, and the requested records have been collected. Details of doctors on duty, hospital staff, 108 ambulance staff and other persons connected with the treatment of the deceased have been collected and they have to be examined during the course of investigation.*

*Requisition has been given to the Government Medical College Hospital, Sivagangai, requesting to furnish the case records relating to the treatment of the deceased Akash Telison, who was earlier admitted there on 06.03.2026. Requisition letter has to be given for furnishing Remand Order of deceased by Judicial Magistrate, Manamadurai. The co-accused Guna who is presently lodged in District Jail, Ramanathapuram is to be examined.*

*The investigation in the above case is in progress and further steps are being taken to collect additional evidence and examine relevant witnesses.”*



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8. The learned Additional Advocate General further submitted that a report under Section 196(2) BNSS from the learned Judicial Magistrate, Ramanathapuram, is awaited and that upon receipt of the same, the offences in Crime No.1 of 2026 of Madurai City CBCID would be altered appropriately, if required.

9. The learned Additional Advocate General also brought to the notice of this Court that certain groups have staged protests in the aftermath of the incident and have blocked the Manamadurai–Rameswaram National Highway, erecting temporary structures on the roadway and thereby obstructing free flow of traffic.

10. It was submitted that vehicular movement towards Rameswaram has had to be diverted for nearly 80 kilometres, causing significant inconvenience to the public. The learned Additional Advocate General further submitted that since the present month coincides with the examination season, such road blockades have caused considerable hardship to school students and the general public.

11. This Court has carefully considered the rival submissions and



perused the materials available on record.

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12. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is a special legislation enacted with the avowed object of preventing atrocities against members of the Scheduled Castes and Scheduled Tribes and ensuring expeditious investigation and trial of such offences, while also securing relief and rehabilitation to the victims.

13. Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 deals with punishments for offences of atrocities. Section 3(2)(v) and (vii) read as follows:

*“(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—*

*.....(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine;*

*or*

*(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.”*

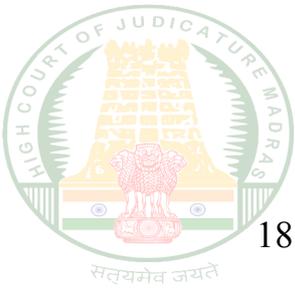


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14. The remand report in Crime No.93 of 2026 of Manamadurai Police Station dated 07.03.2026 reveals certain significant circumstances relating to the condition of the deceased Thiru. Akash. The report indicates that the remand prisoner was produced with a large white POP bandage on his right leg extending from thigh to toe, and that he had made complaints alleging torture and ill-treatment by the police. Relevant portion of the same is extracted as follows:

"என்னை நேற்று மதியம் 01.30 மணியளவில் கிளங்காட்டுரில் கருவேலம் மரத்திற்கு கீழே குணாவுடன் அமர்ந்து இருந்த போது, சீருடையில் இல்லாத 10 நபர்கள் வந்து என்னை பிடித்தார்கள். எங்கள் இருவரையும் வேலூர் முருகபஞ்சான் ரோட்டிற்கு அழைத்து வந்து, மதிய சாப்பாடு வாங்கித்தந்து மாலை 04:30 மணி வரை அங்கேயே அமர்ந்திருந்தோம். சிவகங்கை சாலையில் என்னை வேறு காரில் குணாவுடன் ஏற்றி, சீருடையில் இருந்த 4 போலீசார் கண்களையும் வெள்ளை துணியை கொண்டு கட்டினார்கள். கண்ணை கட்டி என்னை மட்டும் வேறு காரில் ஏற்றி தனியாக அழைத்து சென்றார்கள். என்னை அமர வைத்தார்கள். எனது கெரண்ட காலிற்கு கீழேயும், முட்டிக்கு கீழேயும் இரண்டு கற்களை வைத்தார்கள். ஈர சாக்கை காலுக்கு மேல் போட்டார்கள். இரும்பு கம்பியால் எனது வலது காலில் ஓங்கி ஒரு முறை அடித்தார்கள். அடித்தவுடன் எலும்பு முறிந்து வெளியே வந்து இரத்தம் வந்தது. அடித்தவுடன் நான் வலியில் துடித்தேன். அதற்கு பின் என் கண்ணை கழட்டி விட்டார்கள். அங்கிருந்து என்னை மானாமதுரை அரசு மருத்துவமனைக்கு





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18. The State, being the constitutional guardian entrusted with the enforcement of criminal law, is duty bound to ensure that the mandates of such special legislations are implemented in their true spirit. The criminal justice system in a democratic polity is intended not merely to punish, but fundamentally to secure justice in a citizen-responsive and victim-centric manner.

19. In view of the above circumstances, this Court directs the 2<sup>nd</sup> respondent to appoint a police officer not below the rank of Deputy Superintendent of Police of CB-CID to take over the investigation in Crime No. 1 of 2026 and the said officer on appointment shall include the appropriate provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, taking into account the community status of the deceased and proceed with the investigation. The suggestion that the authorities should await further report under Section 196(2) BNSS from the learned Judicial Magistrate, Manamadurai, for such alteration is unwarranted in the facts and circumstances of the case, more particularly, when the deceased belongs to the Scheduled Community.

20. Insofar as the issue of the ongoing protest is concerned, this Court



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appreciates the concerns expressed by the learned Additional Advocate

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General. While the right to peaceful protest is a constitutionally protected right, such protest cannot be permitted to cause undue hardship to the general public, particularly by obstructing national highways and essential public movement.

21. In order to facilitate an amicable resolution and to maintain public order, this Court constitutes a Peace Committee consisting of the following members:

(i) Mr. K. Samidurai, Enrollment No.838/1989, Chamber No.73, High Court Madurai Bench, Mobile No.98940 23236.

(ii) Mr. C. Mayil Vahana Rahendran, Enrollment No.333/1999, Chamber No.134, Law Chamber, High Court Buildings, Madurai – 625 023, Mobile No. 94434 32157.

(iii) Mr. K. C. Ramalingam, Enrollment No.1217/1991, Chamber No. 164, Law Chambers, Madurai Bench of Madras High Court, Mobile No.94441 24662.

22. The said Committee shall proceed to the protest venue and facilitate peace talks with the protestors and leaders of the agitation. The State authorities shall extend all necessary logistical assistance to enable the Committee to reach



the venue.



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23. The Committee shall persuade the protestors to continue their demonstration in a peaceful and orderly manner by shifting the protest venue from the Manamadurai–Rameswaram National Highway to the Manamadurai Old Bus Stand, so that normal traffic movement is restored.

24. The protestors are directed to cooperate with the Peace Committee in the larger interest of maintaining public order while ensuring that their grievances are appropriately ventilated.

25. Post the matter on **12.03.2026** for reporting compliance and further monitoring.

**11.03.2026**

gbg / Sml  
(Note : Issue order copy on 11.03.2026)

TO

1. The Home Secretary,  
Office of the Home Secretary,  
Govt. of Tamil Nadu,  
Secretariat, St. George Fort,  
Chennai - 600 009..
2. The Director General of Police,  
Office of the Director General of Police,

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Head of Police Force,  
Govt. of Tamil Nadu, Dr.Radhakrishna Salai,  
Mylapore,  
Chennai- 600 004..

3. The Additional Director General of Police,  
Office of Additional Director General of Police (A.D.G.P.),  
Crime Branch Crime Investigation Department (C.B.C.I.D).  
No.220, Pantheon Road,  
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10. The Dean,,  
Government Rajaji Hospital,  
Goripalayam,  
Madurai District.

**L.VICTORIA GOWRI,J**

gbg / Sml

**ORDER  
IN  
WP CRL.(MD) No.1392 of 2026**

**Date : 11/03/2026**