

(1998) 02 MAD CK 0204
In the Madras High Court
Case No : Criminal O.P. No.211 of 1996

Mariammal

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 19-02-1998

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 173(8), 482
Penal Code, 1860 (IPC) — Section 302, 323, 354, 356

Citation : (1998) 1 LW(Cri) 285

Hon'ble Judges : S.M. Sidickk, J

Bench : Single Bench

Advocate : P. Rathinam, for the Appellant; Babu Muthu Meeran, Government Advocate (Crl.side), for the Respondent

Final Decision : Allowed

Judgement

S.M. Sidickk, J.

Heard both counsel.

1. This is an application filed by the Petitioner u/s 482 of Code of Criminal Procedure to invoke the inherent jurisdiction of this Court to secure the ends of justice to issue directions as follows:

(a) directing the 1st Respondent viz., the State of Tamilnadu represented by the Home Secretary to take immediate steps to get the relief amount of Rs. 1.5. lakhs being paid to the legal heirs of the deceased Ranjit, who is the husband of the Petitioner herein by name Mariammal,

(b) directing the Respondents 2 and 3 viz., the District Collector of Villupuram District and the Superintendent of Police, Villupuram District to provide the relief measures specified under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act 33/89) and under the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Rules, 1995 without and delay to the legal heirs of the deceased Ranjit:

(c) directing the Respondents 1 and 3 viz., the Home Secretary of the State of Tamil Nadu and the Superintendent of Police of Villupuram District to depute an Officer not below the rank of a Deputy Superintendent of Police to investigate the matter in Crime No. 21/96 on the file on Kanjanoor Police Station and also by Submitting the complaint and the F.I.R to the Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (33/89) viz., the District and Session Court at Villupuram after adding the relevant provision of the said Act 3/89 in the FIR; and

(d) to issue any other direction as this Court may consider for and proper in the circumstances of the case.

2. The material averments in the affidavit of the Petitioner by name Mariammal filed in support of this application are as follows;- The Petitioner got married to Ranjit eleven years back, and they belonged to Irular community which comes under the Scheduled Tribes. Hunting of rats, hare and snake and collecting of honey are the sources of their livelihood. They earned their livelihood through agricultural labour. The Petitioner is forced to approach this Court due to the murder of her husband on 21-1-1996 by people belonging to other community in a brutal manner and the Petitioner's family members are neglected by the Government and its agencies by their inaction even after the Petitioner's representation dated 4-3-1996. The Petitioner is an illiterate persons and she has to find proper means to support her two sons aged about ten and two. Petitioner's husband and his elder sister Mrs. Lakshmi went for hare hunting on 20-1 1996 to the fields near Pidaripattu, a nearby villages at about 5.00 p.m. They had fixed the net for hare-hunting near a paddy field and laid down near the thrashing floor after the sun-set. At that time the people belonging to other community namely(1) Koda Gounder,(2) Ranganathan, and (3) Muthukrishnan were present, they all looked at the Petitioner's sister-in-law Mrs. Lakshmi with amorous eyes. At about 10.00p.m. one person struck at the buttocks of Mrs. Lakshmi with a stick. She woke up and found one person standing near head and another persons standing near her feet. The 3rd person stood near the right hand side of Mrs. Lakshmi. The person, who stood near her head side, asked her to go with him and to be happy. She shouted loudly and when she tried to stand up, one person caught hold of her legs and another person caught hold of her hands. The 3rd person lifted her at her back.

3. On hearing her shouting the Petitioners husband Ranjit stood up and questioned them. It is at that time the persons who caught hold of her legs and her back, dropped her and asked Petitioner's husband not to interfere. Both the attackers beat the Petitioner's husband with lathies. Mrs. Lakshmi threw soil in the eyes of the person, who was sitting upon her stomach. When he tried to wipe out the soil from his eyes, she escaped and hid herself behind a bush Petitioner's husband shouted that he was dying and asked for help to save his life. After sometime, the sound died down. Mrs. Lakshmi was hiding throughout the night behind the bush. The Petitioner's sister-in-law Mrs. Lakshmi could not find the

Petitioner's husband, the net used for hare hunting and the Tiffin box there. She came back to the village and informed the Petitioner, Kannamma, Pachaamma and Kasiammal about the shocking incident. Since there were no male members at that time, they were all in a confusion and could not think of what to do. On 21-1-1996 at about 4-00 p.m. a person from Pidaripattu village came and informed the Petitioner that her husband's dead body was found near the well of the president of the village. The Petitioner and her relatives rushed to the place where the dead body of the Petitioner's husband was found and the Petitioner's sister-in-law Mrs. Lakshmi, who was the eye witness to the occurrence, made a complaint to the fourth Respondent, and the First Information Report was entered in Crime No. 21/96 for the offences under Sections 356, 323 and 302 of Indian Penal Code

4. All the three offenders belong to Vanniyar Caste which comes under the Most backward community Even though the Petitioner's husband was murdered on 20-1-1996 and the FIR was registered on 22-1-1996, so far the Respondents are not bothered to do the minimum to provide the Petitioner's family members, the relief measures mandated under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules thereunder of 1995. Some of the Petitioner's well wishers are assisting the Petitioner in making representations to the Respondents, and a representation dated 4-3-1996 was to the Respondents 1 to 3 registered post pointing out the plight of the Petitioner's family due to the murder of the Petitioner's husband. It was pointed out to the said Respondents that the Government has to sanction the relief amount of Rs. 1.5 lakhs for the murder of the Petitioner's husband. The post mortem of the Petitioner's husband's dead body was conducted by a Medical Officer attached to the General Hospital at Villupuram on 23-1-1996 and it was found that the cause of the Petitioner's husband's death was due to the severe injuries inflicted on his body. It was neither a suicide nor a natural death. It is also clear that the offenders belong to other communities, and hence the Petitioner and her children and the Petitioner's mother-in-law are entitled for the relief stipulated under the said Act. They are totally neglected by the administration to give relief to the affected family. The Petitioner was unable to find the reason for the administrative inaction in this regard.

4-A. The fourth Respondent had chosen to submit the original copy of the complaint and the FIR to the Court of Judicial Magistrate No. I at Villupuram instead of submitting them to the Special Court (Sessions Court) under the Act 33/89. The 3rd Respondent ought to have corrected the error committed by the 4th Respondent in omitting to mention the relevant provisions of S.C and ST (Prevention of Atrocities) Act, 1989 in the FIR The 3rd Respondent ought to have properly instructed a Deputy Superintendent of Police to take up this case for investigation as mandated under Rule 7(1) of the SC/ST (Prevention of Atrocities) Rules of 1995. The continuing failure on the part of the 3rd and 4th Respondents in submitting the original complaint and FIR to the Special Court (Sessions Court) is very negligence. Even this failure and negligence will attract

section 4 of the said Act and as Public servant they are liable u/s 4 of the Act. By the said failure to perform their duties, the Special Court (Sessions court) is not in a position to extend its helping hand to the Petitioner under the provisions of the said Act.

5. The 4th Respondent alone viz., the Inspector of Police, Kanjanoor P.S. in Villupuram District has filed a counter-affidavit stating as follows:

On 22-1-1996 at about 6.30 hours one Lakshmiammal wife of Selvaraj came to the 4th Respondent Police Station and had given a written complaint accusing (1) Kodia Gounder, (2) Ranganathan, (3) Muthukrishnan alleging that they killed her brother Ranjith aged about 25 years on 20.1.1996 at about 22-00 hours. On this complaint a case was registered in Crime No. 21/96 for offences under Sections 354, 323 and 302 of I.P.C. by Mr. Santhanam, S.I. of Police and he sent express reports to the concerned Judicial Magistrate and to the Inspector of Police and to the High authorities as per law. The Inspector of Police, who received the express report, came to the police station and took up investigation immediately, and an inquest was held by him in person at Pidaripattu village between 11:00 A.M. and 2:00 P.M. on the same day. During the course of investigation all the three accused were arrested on the following dates-A1 Kodia Gounder 26.1.96, A2 Renganathan 6.4.96 and A3 Muthukrishnan 27.3.96. All of them were sent to the Judicial custody and they were released on bail by the Sessions Judge at Villupuram. During the investigation the Inspector of Police, Kanjanoor police station had examined about 11 witnesses and prepared observation mahazars, Mahazars as per law and sent all the necessary documents to the Judicial Magistrate No. I at Villupuram and to the high authorities concerned. Nowhere during the investigation an offence u/s S.C./S.T. (Prevention of Atrocities) Act, 1989 (Act 33/89) was made out. There is no material nor any document to show that the accused had committed any offence under the said Act. During the course of investigation it is revealed that the accused had not committed the offences knowing fully well that the victim belongs to S.C./S.T. Even though there is an allegation that the accused outraged the modesty of a woman by name Mrs. Lakshmi, a statutory penal provision i.e. Section 354 of I.P.C. is included in the FIR only the investigating agency thought it not fit to register a case under Act 33/89. Those provisions were not included in the F.I.R. or at the subsequent stage, since there is no evidence that the accused committed these offences, which are punishable under the Act 33/89. The Investigating agency will take necessary action against the accused, if this Honourable Court directed to do so and if this Honourable Court directs, the Investigating Agency will alter the offence and proceed with the case accordingly. It is submitted that so far as per the prayer "a" is concerned, the compensation of Rs. 1.5 lakhs to the Petitioner is not the matter within their jurisdiction, and the other prayers are liable to be dismissed as there is no merit in these prayers

6. The Respondents 1 to 3 did not file any counter controverting the allegations made in the Petitioner's affidavit.

7. The Petitioner also filed an affidavit of a 3rd party by name Balakrishnan, s/o. Chinnu Naidu to support the contention of the Petitioner that her husband Ranjith belong to Irular Community and the assailants in causing the death of Ranjith belongs to Padaiyachi community and the accused are fully aware of the fact that the deceased Ranjith and his sister Lakshmi belong to Irular community, which is a Scheduled Tribe.

8. On the above pleadings and after hearing the learned Counsel for the Petitioner as well as the learned Government Advocate, the points that arise for determination in this petition are as follows:

(a) Whether a direction can be issued to be 1st Respondent viz., Home Secretary of the Government of Tamil Nadu to take immediate steps to get the relief amount of Rs.1.5 lakhs being disbursed to the legal heirs of the deceased Ranjith?

(b) Whether a direction can be issued to the Respondents 2 and 3 viz., the District Collector of Villupuram District and the Superintendent of Police, Villupuram District to provide all the relief measures specified under the S.C./S.T. (Prevention of Atrocities) Act, 1989 and the Rules thereunder without any delay to the legal heirs of the deceased Ranjith?

(c) Whether a direction can be issued to the Respondents 1 and 3 viz., the Home Secretary of the Government of Tamil Nadu and the Superintendent of Police, Villupuram District to dispute an Officer not below the rank of a Deputy Superintendent of Police to investigate the matter in Crime No. 21/96 on the file of Kanjanoor Police Station by submitting a complaint and the FIR to the Special Court under the said Act 33/89, viz., the District and Sessions Court at Villupuram after adding the relevant provisions of the Act 33 of 1989 in the FIR?

(d) To what relief are the parties entitled?"

9. Point No. I: Rule 2(b) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 states as follows:-

dependant", with its grammatical variations and cognate expressions, includes wife, children, whether married or unmarried, dependent parents, widowed sister, widow and children of pre-deceased son of a victim of atrocity.

10. In the present case the Petitioner by name Mariammal stated in her affidavit that she was married to the deceased Ranjit 11 years ago, and they belong to Irular community which comes under the Scheduled Tribes. The said allegation of the Petitioner Mariammal was not at all denied by any one of the Respondents, much less by the 4th Respondent, who has filed the counter-affidavit to this petition. That apart, there is the affidavit of a third party by name Balakrishnan s/o. Chinnu Naidu stating that the deceased Ranjit and the Petitioner and the sister of the deceased Ranjit by name Lakshmi all belong to Irular community. Therefore there is no difficulty in coming to the conclusion that the deceased Ranjit and his wife Mariammal, the Petitioner herein, and the sister of the

deceased Lakshmi belong to Irular community and the deceased Ranjit died leaving behind his dependents.

11. Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 states as follows:-

The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependants according to the scale as in the schedule annexed to these Rules (Annexure-I read with Annexure-II). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings."

12. Annexure-I of the Schedule under Rule 12(4) of the said Rules mentions the nature of the offence and the minimum amount of relief, serial Number 20 in Annexure-I gives the particulars of compensation to be awarded in the case of murder or death of a Scheduled Tribe in the following words.

Murder/Death:

(a) Non-earning member of a family:- At least Rs. 1,00,000/- to each case. Payment of 75% after post mortem and 25% conviction by the lower Court.

(b) Earning Member of a family:- At least Rs. 2,00,000/- to each case. Payment of 75% after post mortem and 25% on conviction by the lower Court."

13. In the present case it is stated by the Petitioner in her affidavit that her husband Ranjit, who belongs to Irular community, earned his livelihood through agricultural labour besides hunting. This statement of the Petitioner Mariammal was not at all denied by the 4th Respondent in his counter-affidavit, and so the fact that the deceased Ranjit was an earning member of the family goes unchallenged. In those circumstances it follows from Rule 12(4) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 read with Schedule Annexure-I that the legal heirs of the deceased Ranjit are entitled to a total compensation of Rs. 2,00,000/- and the payment of 75% of the same shall be disbursed after post mortem and the remaining 25 % of the same shall be disbursed on conviction by the lower Court. In the present case it is alleged by the Petitioner Mariammal that her husband Ranjit was done to death and it was neither a suicide nor a natural death. The 4th Respondent in his counter-affidavit has also stated that the sister of the deceased Ranjit by name Lakshmi gave a written complaint on 22.1.1996 accusing Kodia Gounder, Ranganathan and Muthukrishnan and alleging that they killed her brother Ranjit aged about 25 years on 20.1.1996, and on the basis of her complaint a case was registered in Crime No. 21/96 on the file of Kanjanoor Police Station for the alleged offences under Sections 354, 323 and 302 of I.P.C. However during the course of the arguments the learned Counsel for the Petitioner brought to my notice that the charge sheet was filed by the 4th Respondent viz., the Inspector of Police,

Kanjanoor Police Station, even though not for anyone of the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 but under the provisions of I.P.C. for causing the murder of Ranjit and the case was committed to the Additional Sessions Judge- cum-Chief Judicial Magistrate, Villupuram and it was taken on file in Sessions Case No. 111/97 and it is pending trial. Though the case of murder for the offence u/s 302 of I.P.C. is yet to be proved, even then the death of Ranjit cannot be disputed. Serial Number 20 in the Annexure No.1 to Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 gives the caption as "murder or death", and so even in the case of death, if the case of murder is not proved, the legal heirs of the deceased Ranjit, who belong to Irular community, which is a Scheduled Tribe, are entitled to receive the compensation as mentioned in Serial number 20(b) of Annexure-I of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

14. The Petitioner/Mariamammal has given a written representation on 4.3.1996 and sent the same to the Home Secretary of Tamil Nadu Government as well as to the District Collector and the Superintendent of Police, Villupuram District narrating all the circumstances leading to the death of her husband Ranjit and claiming compensation as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 and the relevant Rules framed thereunder. In spite of the written representation given by the Petitioner/Mariamammal on 4.3.1996 the Respondents 1 to 3 herein have not granted the relief of compensation as provided under the said Rules and the Annexure thereunder.

15. In those circumstances, I hold that a direction has to be issued to the 1st Respondent viz., State of Tamil Nadu, represented by the Secretary to Government, Home Department, Fort Saint George, Madras-9 to take immediate steps to disburse the relief amount of Rs.1.5 lakhs being paid to the legal heirs of the deceased Ranjit of V. Nallalam Village, Villupuram District and consequently I answer this point in favour of the Petitioner.

16. Point No. 2: Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 further states besides providing immediate relief in cash to the family members and the dependants of the victim, the relief also should be provided with regard to food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings. In the present case it is not stated on behalf of the Respondents that such relief of food, water, clothing, and shelter were given to the family members or the legal heirs of the deceased Ranjit. In those circumstances I am of the view that a direction has to be issued to the Respondents 2 and 3 viz., the District Collector of Villupuram District and the Superintendent of Police, Villupuram District to provide the relief measures viz., Food, water, clothing, shelter and other essential items necessary for human beings to the legal heirs of the deceased Ranjit of V. Nallalam village in Villupuram District, and consequently I answer this point also in favour of the Petitioner.

17. Point No. 3: Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 states as follows:-

(1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of police. The investigation officer shall be appointed by the State Government, Director General of Police, Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time

(2) The investigating officer so appointed under sub-rue (1) shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police, who in turn will immediately forward the report to the Director General of Police of the State Government."

18. It follows from this Rule that it is mandatory in the case of an offence complained of under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 that the investigation should be done by a Deputy Superintendent of Police and not the Inspector of Police, whatever may be the allegations as true or otherwise. In other words even if the allegations in the F.I.R. are not true, even then the case can be investigated by the Deputy Superintendent of Police and not by the Inspector of Police.

19. In the present case the deceased Ranjit is not the only victim but also his sister by name Lakshmi was also an affected person. She gave the FIR to Kanjanoor Police Station where the S.I. of Police reduced her complaint given by her on 22.1.1996 into writing in the following words:

At that time the owners of the paddy field namely (1) Kodia Gounder, (2) Ranganathan and (3) Muthukrishnan were there. They looked at me with amorous eyes At about 10:00 P.M. one person struck at my buttocks with a stick. I woke up. One person was standing near my head and another person was standing near my feet. The third person stood near the right hand side. The person who stood near my head side asked me to go with him and to be happy. I shouted loudly. When I tried to stand up, one person caught hold of my legs and another person caught hold of my hands. The third person lifted me at my back. On hearing my shouting, my brother Ranjit stood up and asked who was there. At that time, the persons who caught hold of my legs and my back dropped me and asked my brother not to interfere, and both of them beat my brother with sticks. I threw sand in the eyes of the person who was sitting upon my stomach. When he tried to wipe his eyes, I escaped from his clutches to save my life and hid myself behind a bush.- (sic)-(not clear)- My brother shouted that he was dying and asked for help to save his life. After some time, the sound died down."

(A copy of the complaint is enclosed along with the Typed-set of papers along with this CrI.O.P.)

20. Thus there was serious allegations made in the F.I.R. by the victim Lakshmi

against three named persons about the sexual assault and outraging her modesty by using force. Section 3(l)(xi)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 states as follows:-

Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty and being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would have otherwise agreed, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine."

21. Notwithstanding the specific allegations in the F.I.R. of Lakshmi, who is the complainant in this case and who is the sister of the deceased Ranjit that force was used with intent to dishonour and outrage her modesty and to exploit her sexually to which she was not agreeable, the 4th Respondent viz., the Inspector of Police, Kanjanoor Police station would state in his counter-affidavit that no offence is made out prima facie under any of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89. It only shows that the 4th Respondent wanted to suppress something thereby not to bring this case under any of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89, and it is apparent from the records available in this case as well as from the counter- affidavit of the 4th Respondent. Therefore there is no substance in the contention of the learned Government Advocate that no offence is made out or alleged to bring this case under any of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89.

22. Now the charge sheet has been filed in this case and the case was taken on file by the learned Additional Sessions Judge-cum-Chief Judicial Magistrate, Villupuram in S.G. No.111/97. At the risk of repetition I have to state that there are serious allegations even in the FIR given by Lakshmi that she being a woman belonging to the Scheduled Tribe was assaulted and force was used on her to outrage her modesty and to exploit her for sex to which she was not agreeable, and in those circumstances it is a clear case arising under some of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89, and in those circumstances only a Deputy Superintendent of Police should have been the Investigating Officer as mandated under Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Notwithstanding the filing of the charge sheet and the taking of the cognizance of the case by the Sessions Court, viz., Additional Sessions Judge-cum-Chief Judicial Magistrate, Villupuram in S.G. No.111/97, there is every scope for further investigation for the offences arising under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 in this case. Section 173(8) of Code of Criminal Procedure states that nothing in Section 173 shall be deemed

to preclude further investigation in respect of an offence after a report under Sub-section (2) has been forwarded to the Magistrate and where upon such further investigation, the investigating officer obtains further evidence, orally and documentary, he shall forward to the Magistrate the further report regarding such materials in the form prescribed.

23. Considering the facts and circumstances of the case I am of the view that the further investigation has to be ordered u/s 173(8) of Code of Criminal Procedure directing the Respondents 1 and 3 herein viz., the Secretary of the Home Department, Tamilnadu Government as well as the Superintendent of Police, Villupuram District to depute a Deputy Superintendent of Police as required under Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 to further investigate into the matter and file an additional charge sheet on the basis of the allegations made in the FIR in Crime No. 21/96 on the file of Kanjanoor Police Station in as much as the modesty and the honour of an Irular woman by name Lakshmi was outraged by using force besides being tried to exploit her for sex and for which she was not agreeable, and to add the relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 in the additional charge sheet after further investigation, if the offence is made out. Hence I hold that a direction has to be issued to the Respondents 1 and 3 viz., the Secretary of Home Department, Government of Tamil Nadu as well as the Superintendent of Police, Villupuram District to depute a Deputy Superintendent of Police to investigate further into the matter in Crime No. 21/96 on the file of Kanjanoor Police Station and to add the relevant provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 by filing an additional charge sheet before the concerned Court, if the offence is made out, and consequently I answer this point in favour of the Petitioner

24. Point No. 4: Consistent with my findings on the earlier points I am to hold that a direction has to be issued to the 1st Respondent viz., the Home Secretary of the Government of Tamilnadu to take immediate steps to disburse the relief amount of Rs. 1.5 lakhs being paid to the legal heirs of the deceased Ranjit, V. Nallalam Village, Villupuram District, and a direction has to be issued to the Respondents 2 and 3 viz., District Collector Villupuram District, Villupuram and the Superintendent of Police, Villupuram District, Villupuram to provide all the relief measures specified under Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 to the legal heirs of the deceased Ranjit, and a direction has to be issued to the Respondents 1 and 3 viz., the Secretary to Government, Home Department, Fort St. George, Madras-9 and the Superintendent of Police Villupuram District, Villupuram to depute a Deputy Superintendent of Police to further investigate into the matter in Crime No. 21/96 on the file of Kanjanoor Police Station and to file additional charge sheet before the competent Court and to add the relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 if the offence is made out, and this petition is allowed as prayed for and consequently I

answer this point in favour of the Petitioner.

25. In the result this petition is allowed. The following directions are issued u/s 482 of Code of Criminal Procedure

(a) The 1st Respondent viz., the Secretary to Government, Home Department, Fort St. George, Madras-9 is directed to take immediate steps to disburse the relief amount of Rs. 1.5 lakhs being paid to the legal heirs of the deceased Ranjit, of V. Nallalam Village, Villupuram District;

(b) The Respondents 2 and 3 viz., the District Collector, Villupuram District, Villupuram and the Superintendent of Police, Villupuram District, Villupuram are directed to provide all the relief measures specified under Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 to the legal heirs of the deceased Ranjit,

(c) The Respondents 1 and 3 viz., Secretary to Government, Home Department, Fort St. George, Madras-9, and the Superintendent of Police, Villupuram District, Villupuram are directed to depute a Deputy Superintendent of Police to further investigate into the matter in Crime No.21/96 on the file of Kanjanoor Police Station and to file additional charge sheet before the competent court after adding the relevant provisions under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 33/89 if the offence is made out.