

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 04/09/2014

Case No. 2349/22/36/08-09-AD/DB-I

8 SEP 2014

✓
SHRI SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C- 3/441-C, JANAKPURI,
NEW DELHI.

Sir/Madam,

With reference to your complaint dated 04/02/2009, I am directed to say that the matter was considered by the Commission on 02/07/2014. The Commission has made the following directions.

"The amount of Rs. five lakhs as recommended by the Commission has been paid to Smt. Anjali, wife of deceased Krishnamoorthy. The proof of payment has also been received.

Since the recommendation of the Commission has been complied with, the case is closed."

This is for your information.

Yours faithfully,



DEPUTY REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 2349/22/36/08-09-AD

Diary Number	14706
Name of the Complainant	SUHAS CHAKMA, DIRECTOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C- 3/441-C, JANAKPURI, NEW DELHI, NEW DELHI , DELHI
Name of the Victim	KRISHNAMURTHY
Address	ROWATHANMEDU, THUVAKUDI, TIRUCHIRAPALI , TAMIL NADU
Place of Incident	TIRUVERUMBUR PS, TIRUCHIRAPALI , TAMIL NADU
Date of Incident	2/1/2009
Action issued by the Commission	<p>Shri Suhas Chakma, Director, National Campaign for Prevention of Torture, made a complaint seeking intervention of the Commission against the custodial death of one Krishna Murthi. Krishna Murthi was arrested by the police on 31.1.2009 in a case of theft and he died in police custody. The complainant alleged that the accused had died as a result of police torture. An intimation regarding the death of Krishna Murthi was also received from the District Collector, Trichirappalli. It was reported that Krishna Murthi was being taken to Trichirappalli in connection with the investigation of theft case. On the way to Trichirappalli he was given food at a hotel at Tiruverumbur. After taking food, he complained of chest pain and difficulty in breathing. He was taken to Govt. HQ Hospital Trichirappalli and after medical examination at the hospital, the doctor declared that he was brought dead at 0:45 am on 2.2.2009. The post mortem revealed the following ante-mortem injuries:- 1. Dark brown colour, patterned abrasions with marginal contusions, on the back of chest, of varying dimensions, transverse and oblique in directions - Consisting of beating with baton. O/D Bruising of underlying soft tissues - Dark red. 2. Diffused bruising of anterior abdominal wall above the level of umbilicus - Dark red. 3. Peritoneum - muddy and inflamed. 4. Bruising of Omentum - Dark red. 5. Patchy bruising of small intestine - Dark red and hemorrhagic. 6. Discrete bruising of all the lobes of both lungs, of varying dimensions - Dark red. The above mentioned wounds were not sufficient to enable the doctor to determine the cause of death. A histopathology report was therefore, obtained. On consideration of the histopathology report the doctor opined that "the deceased would appear to have died due to blunt wounds of thorax and abdomen with liver, kidneys and heart pathology"</p> <p>SDM and RDO Tiruchirappalli enquired into the circumstances of death. He found that the accused had been beaten by the police during interrogation and as a result of beating he had suffered blunt wounds on his chest, stomach and other parts of the body. He was already suffering from ailments of liver, kidney and heart. The blunt wounds inflicted by the police aggravated the situation, which led to his death. On consideration of the post mortem report and Magisterial enquiry report, the Commission issued notice to the Govt. of Tamil Nadu u/s 18 of Protection of Human Rights Act and called upon it to show cause against grant of monetary relief to the next of kin of the deceased. In response to the show cause notice the State Govt. has communicated in its communication dated 9.5.2011 that the findings of Magisterial enquiry have been accepted by the State Govt. and a financial relief of Rs. One Lakh has been sanctioned for the next of kin of deceased Krishna Murthi. The State Govt. has candidly admitted that the police officials are liable for the death of Krishna Murthi. A financial relief of Rs. One Lakh has also been sanctioned for the bereaved family. We are however, of the considered opinion that the financial relief of Rs. One Lakh is grossly inadequate for the loss of human life. The relief must be commensurate with the loss suffered by the victim. In this case we find that Krishna Murthi was only 45 year old. He must have been involved in theft but there can be no justification for custodial torture leading to death. Considering all the circumstances, we recommend to the Govt. of Tamil Nadu to pay a sum of Rs. Five Lakh as monetary relief to the next of kin of deceased Krishna Murthi. The amount, which may have been already paid, may be adjusted. The State Govt. shall submit compliance report and proof of payment within two months.</p>

Action Taken

Relief granted [Compensation, Disciplinary & Prosecution] (Dated 11/16/2011)

Status on 7/27/2012

Completion of the Commission's recommendation by the concerned authority is awaited

Note: For further details kindly contact National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: cov.dnhrc@hub.nic.in

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