

If earlier police excesses were probed, Tuticorin custodial death of father-son duo could have been avoided, say locals

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Tamil Nadu Chief Minister Edappadi K Palaniswami announced on Sunday, that the State government would transfer the Jayaraj-Bennix custodial death case to the Central Bureau of Investigation(CBI). He added that the same would be informed to the Madurai bench of the Madras High Court when the case comes up for hearing and with the court's consent the case would be handed over to the CBI.

During a hearing on Monday, the Madurai bench of the Madras High court stated that they do not object to a CBI probe, if it was the policy decision of the state government. The court added that it would not interfere with the decision of the state government. Given that the police had not cooperated enough in the investigation. the Court had ordered that the Sathankulam police station (Where the alleged torture took place), be brought under the control of the Tuticorin Collector.

So far, the Inspector and two Sub-Inspectors of the Sathankulam Police station have been suspended, while a departmental enquiry has been initiated against two head constables.

While the CBI probe is seen as a measure to ensure delivery of justice, locals allege that the lives of father-son duo could have been saved, had the earlier cases of police excesses and brutalities been brought to light.

One such case is said to have happened after the murder of a man called Jayakumar, who local sources say was acting as a Police informer. Pertaining to the investigation

of Jayakumar's murder, the cops from Sathankulam station allegedly beat up several people, including innocents. In connection with the investigation, locals allege that nearly 30 people were picked up and thrashed.

“When the cops couldn't find the accused, they picked up Mahendran, the younger brother of the accused and beat him up, which eventually led to his death. Due to head injuries, he died sometime recently, in the month of June. Had people protested against this and raised their voice, the father-son duo would not have had to endure such cruelty in custody and die” Joseph, an opposition party functionary and a Panchayat leader told WION.

Some also allege that there was a caste angle to the rivalry between some cops and certain individuals in connection with the Jayakumar murder. “Some cops involved in these excesses belong to a particular caste and they have local support and informers from their community. When one such informer Jayakuamr was murdered, it was suspected that the members of their rival caste would have killed him. Even if innocents are beaten up, they or their families don't speak up fearing repercussions” said another DMK functionary Parthiban, referring to the police excesses following the Jayakumar murder.

“There are many complaints from earlier against a few cops who had beaten the father-son duo to death. There are pending cases in the State Human Rights Commission. Some of these cops are involved in heinous crimes, including torture. District Police officials are also in the know about this and that is the level of impunity. Even the Police firings which killed 13 people in May 2018 during the protests were covered up.” Founder of People's Watch, Henri Tiphagne told WION.

WION contacted a senior Police officer from the Tuticorin district to understand the basis, status of these serious allegations against the cops. “We have received

complaints and we are looking into it and will take the necessary action," the official said.

What happened to Jayaraj-Bennix on that fateful night

There are different versions of what transpired at Bennix's shop on June 18 and later on that fateful night, June 19 at the Police station. But one thing that locals are sure about is the gruesome manner in which the father-son duo were severely beaten for over four hours, while in the Police station.

One version states that on June 18, a little after 7:45 a cop had gone to Bennix's shop and asked him to close for the day, as lockdown rules permit shops to be open only until 8pm. That's when Bennix's father, Jayaraj is said to have uttered something to his son. This was said to be misunderstood by the cop, who went and misreported it to the Sub-Inspector.

"Police asked the son to close the shop, at the same time the father came and casually said something to the effect of, we will close on time and it's not necessary for them (cops) to tell us about it. The same was heard wrongly by the Police personnel who was nearby and he misreported the same to the Sub-Inspector," says Venugopal, a senior journalist and advocate.

Another version alleges that the Police personnel were consuming liquor in front of Bennix's shop, which eventually provoked Bennix's father. "The police was drunk and this provoked Bennix's father to say(something to the effect of)- these fellows shouldn't be spared, they should be beaten up for doing such things while in uniform. This was reported to the Police Sub-inspector," says Parthiban, a DMK secretary from the locality.

Whichever way things transpired on June 18 evening, the Sub-Inspector was apprised of the same and he is said to have gone to the shop on Friday, June 19. It is said that Jayaraj (58) was taken to to the nearby Sathankulam Police station.

After getting to know that his father was picked up by the cops, Bennix had rushed to the Police station by around 8pm. Eyewitnesses say that the father was dragged into the station and was being questioned. That's when an emotional Bennix charged into the station.

“The SI was about to hit his father and that's when Bennix resisted the cop and pushed his hands away. We were waiting at the station for a different case and urged Bennix not to barge into the station, but he was in a real hurry. After seeing Bennix's tussle with the cop, another cop joins the melee. Bennix pushed him away, as well. That's when a handful of cops got together and started beating them,” said Venugopal who was present at the station.

Locals allege that the cops took turns and mercilessly thrashed the duo for over four hours, after shutting the doors of the police station. Most people in the locality say that they were repeatedly beaten on the soles of their feet, the knees and their backs, which ended up causing severe bleeding.

“If the trade union members and locals had gathered in large numbers and demanded their release, they could have been saved. But the kind of atrocities, torture inflicted on them led to even rectal bleeding,” said Parthiban, a DMK functionary.

Venugopal, who was present at the station until 9pm denies the reports of sexual torture, but adds that the third-degree beating itself was meant to cause serious harm to their lives.

Later, on Saturday morning the duo were taken to the Sathankulam Government Hospital, following which they were produced before the Judicial magistrate and were lodged in the Kovilpatti sub-jail that afternoon. On Monday, Bennix developed health complications and was rushed to the Kovilpatti General Hospital, where he died.

The same night, Monday, June 23rd, his father Jayaraj fell ill and was taken to the same hospital, where he died on Tuesday morning.

Procedural Lapses at every step

Senior Advocates point out several procedural lapses in the way this particular case has been handled at various levels. They say that all the actions of the officials from the time of the arrest until their hospitalization (on Monday) need to come under scrutiny and the officials must be suspended, besides charged for serious criminal offences.

“The duo shouldn’t have been arrested. If they violated the Covid-19 lockdown rules, the cops should inform the collector, instead of arresting the violators. FIR states that the father-son duo threatened the cops, but even in that case, the arrest shouldn’t have happened,” senior advocate Radhakrishnan told WION.

He questioned several procedural lapses including why the cops did not inform the family about the arrest, why the arrest memo was not prepared and other basic mistakes. “The Police have rights to conduct an enquiry, but no rights to hit, torture them.”

He added that, following the night at the lockup, at the hospital on the next day, the doctor shouldn’t have given a medical certificate. They should have been admitted for treatment.

“Even the Magistrate could have examined and noted down nature, the severity of injury after keeping the cops away. As per Covid-19 rules, a remand was not necessary in this case. The jail SI also could have sent them to the hospital and not allowed them in. All the erring officials from the cops to the jail SI must be suspended and face the law. The investigation must take place under IPC Section 302,” Radhakrishnan said.

Senior Advocate Sudha Ramalingam said that handing over the case to the CBI would not offer any remedy.

“CBI needs to be probing cases of greater magnitude, including financial dealings, corruption etc. CBI is also ultimately from state police. It would be better to have a Special Task Force from another state, to ensure that they are not hindered by any form of pressure. But even in the case of CBI, they failed miserably in the Aarushi murder case and also the probe into May 2018 Police firings also is yet to be out” she told WION.

<https://www.dnaindia.com/india/report-if-earlier-police-excesses-were-probed-tuticorin-custodial-death-of-father-son-duo-could-have-been-avoided-say-locals-2830186?fbclid=IwAR06Z-Z3TtIfve7aZgTWZzdL9XwTLnUTlgsRA9-gkMZlpCFqYBB6qX4PIk>