



**CASE COMMENT - VOICES OF THE SILENCED: RAJA KANNU vs STATE OF  
TAMILNADU: A CASE OF CUSTODIAL VIOLENCE**

**Shamyuktha Jayprakash Periyannan \***

<b>CASE NAME</b>	RAJA KANNU V STATE OF TAMILNADU
<b>CITATIONS</b>	1994-2-LW(CrI)680
<b>JUDGEMENT DATE</b>	APRIL 24 <sup>th</sup> , 2009
<b>PETITIONER/ APPELLANT</b>	PARVATHI w/o RAJA KANNU
<b>DEFENDANT/ RESPONDENT</b>	STATE (TAMIL NADU)
<b>BENCH</b>	PS. MISHRA AND SHIVARAJ V. PATIL, JJ
<b>CONSTITUTION AND OTHER STATUTES INVOLVED</b>	THE CONSTITUTION OF INDIA

\*BCOM LLB, SECOND YEAR, SASTRA UNIVERSITY, TANJORE.

<b>RELEVANT ARTICLES</b>	<b>SECTIONS/</b>	ARTICLE 226, ARTICLE 21, ARTICLE 22, ARTICLE 20(3),
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## INTRODUCTION

Custodial violence is the violence that takes place in judicial and police custody where the public servants torture the person detained for the crime, both mentally and physically. This custodial violence results in several suicides, injuries, and also deaths of the detainees in the prison. There are three types of custodial violence, physical violence, psychological violence, and sexual violence. This case particularly deals with physical custodial violence aimed at the tribal community. The tribal community faces social stigma and discrimination. The people from the tribal community are often ignored by society when it comes to seeking justice and protecting their human rights, which leads to social isolation. This social isolation leads to a lack of support from the broader community which makes it difficult for the victims to seek justice. Many tribal communities lack education about their rights and this lack of education makes it difficult to advocate the offense of custodial violence and seek justice. The primary petitioner in this case was R Parvathi wife of Rajakannu, who is from the Irular tribe. R Parvathi, the petitioner, was led by her counsel, Mr K Chandru who filed a Habeas Corpus petition at Madras High Court according to Article 226<sup>1</sup> advocating for the death caused due to custodial violence by the police officials during unlawful detention, and for the produce of her husband body, injuries, and disappearance of Rajakannu at the hands of the respondents. It concluded, that the court decided to award compensation to Parvathi and her family and the conviction of the police officials involved.

## FACTS OF THE CASE

Parvathi (Petitioner) and Rajakannu (Deceased husband of the petitioner) were daily-wage agricultural laborers, they are from a tribal community known as Irular tribes.<sup>2</sup> They had four children, three sons and one daughter, and stayed in a small village. One day early in the morning rajakannu0 left the house searching for work. At about noon, on the same day the

<sup>1</sup> Constitution of India, 1950 art 226

<sup>2</sup> Rajakannu v State of Tamil Nadu <https://www.legalserviceindia.com>

respondents, a sub-inspector of police, and others with five policemen came to the petitioner's house in trace of rajakannu, since he was out in search of work they took the petitioner, her two sons, and her brother-in-law to the police station.

The policemen took her to another room and physically abused her, and also her two sons and her brother-in-law. Rajakannu knowing about the incident arrived at the police station where he was taken into custody by the police. The police detained her husband and released the petitioner, her sons, and her brother-in-law. The very next day the petitioner went to the police station with some food for her husband, but to her shock, her husband was being beaten up by the policemen. The petitioner questioned the act of the police, but again she was beaten up by them. A homeopathic doctor was called to the police station to check on her husband and the doctor gave some injections and applied some ointment.<sup>3</sup> After the check, the police dragged him inside the station and started beating him. They compelled the petitioner to vacate the station. After she reached the village, she was informed by the villagers that, before she could get home, some policemen came to the town and told the villagers that her husband escaped from custody and gone missing. She went in search of her husband making desperate inquiries concerned with her husband's detention from each person around the police station. She also sent telegrams to the chief minister and the chief justice about the detention. A habeas corpus petition was filed according to article 226<sup>4</sup>, for the produce of her husband's body, injuries, compensation for the unlawful arrest, and the circumstances of Rajakannu's disappearance. In the petition, the petitioner mentioned that she believed the respondent had killed her husband due to physical custodial violence by the police and disposed of his body secretly during the detention.

### **ISSUES OF THE CASE**

1. Whether the death of Rajakannu was due to custodial torture by the police.
2. Whether the detention of Rajakannu and his family members is lawful or unlawful.
3. Whether the police involved in the custodial torture could be held accountable.

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<sup>3</sup> Rajakannu vs. State of Tamil Nadu and Ors. (01.08.1994 - MADHC) [https://dakshalegal.blog/wp-content/uploads/2021/11/rajakannu\\_vs\\_state\\_of\\_tamil\\_nadu\\_and\\_ors\\_0108199t940974com268564.pdf](https://dakshalegal.blog/wp-content/uploads/2021/11/rajakannu_vs_state_of_tamil_nadu_and_ors_0108199t940974com268564.pdf)

<sup>4</sup> Constitution of India, 1950 art 226

## **ARGUMENTS BY THE PETITIONER**

The Petitioner argued that the custodial torture and death of Rajakannu was a violation of “Article 21 Right to life and personal liberty”<sup>5</sup> which the police officials curbed by physically abusing, tying her husband to the window bar, and beating up badly on both the sides. The police officials also violated “Article 22 Protection against arrest and detention in certain cases”<sup>6</sup> by arresting Rajakannu without informing the grounds of arrest and torturing him in custody. The detained person should be produced in the court within 24 hours of the arrest, her husband was arrested on 21.3.1993 around noon and the petitioner came to know about her husband missing on 22.3.1993 at 6 pm, when she was returning from the station after visiting her husband in the station. She alleged in her petition that the police officials had killed her husband due to custodial torture. The police officials violated “Article 20(3) - Right to silence”<sup>7</sup> by forcing and torturing her husband to provide testimony that he committed the theft. She alleged that the police also registered a man-missing case and they prepared false statements in the name of several persons.

## **ARGUMENTS BY THE RESPONDENTS**

The respondents in their arguments mentioned that during the case investigation, he was informed by a person that he saw rajakannu at about 9:00 pm on 22.3.1993 and he borrowed some money from that person saying he needed a doctor's check-up since he was suffering from body pain. The other respondent mentioned in their argument that on 20.3.1993 a person named Kadirvel Padayachi of Gopalapuram village filed a complaint for the offense of theft of 43 sovereigns valuing Rs. 1,30,000. During this investigation it was revealed that this theft was committed by persons belonging to the kurava community, they went to the nearby village and traced rajakannu and met with his wife in their house when asked for rajakannu his wife told them that he went for work after hearing this they went to his workplace and took him with them to the police station, they also mentioned that they asked him to sleep in the thatched shed opposite to the station and all of a sudden a police constable informed them that he went missing and they could not trace him even after intensive search.

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<sup>5</sup> Constitution of India 1950, art 21

<sup>6</sup> Constitution of India 1950, art 22

<sup>7</sup> Constitution of India 1950, art 20(3)

## JUDGEMENT

After many arguments and counter-affidavits, it was decided to conduct a thorough investigation when this case came before the court. CB CID, the Inspector General of Police, and an officer belonging to the Indian police service were appointed to investigate and provide evidence for this case. The officers took up the investigation and recorded the statements of the witnesses<sup>15</sup>.

The court ordered the government to award the petitioner compensation of Rs. 1,10,000/-, pay her Rs. 10,000/—in cash, and invest the remaining Rs.1,00,000/—on her behalf in any scheme without any risk that involves a monthly income of not less than Rs. 1000<sup>16</sup>.

The government was ordered to invest Rs. 25,000 in the minor daughter of the petitioner, and the interest on the deposits should not be received by the petitioner as it is for her minor daughter. Once her daughter attains the age of majority, the interest shall be delivered to her<sup>17</sup>.

A separate compensation was also delivered to the victims who were arrested along with the petitioner and her sons Rs. 25,000 and Rs. 10,000<sup>18</sup>.

The court also ordered the government to make sure all the compensations shall be given within three months from the date of receipt of a copy of this order<sup>19</sup>. The accused police officers were subsequently given a fourteen-year prison term with hard labor.<sup>20</sup>

## ANALYSIS

RajaKannu and his wife Parvathi were staying in a village with four children, one day suddenly police came to their house in search of Rajakannu but he was not there as he went in search of work, so the officials arrested the petitioner and her sons along with her brother-in-law to the station where they were beaten up badly. After rajakannu came to know about this he went to the station in search of the petitioner but he was detained and the officials left the petitioner and her sons and her brother-in-law. The next day when the petitioner went to the station, she saw that her husband was beaten up badly. The police officials forced her to leave the station. On the same day, she received information from the police stating that her husband had gone missing. She filed a habeas corpus petition that her husband was killed by the police due to custodial torture. After the affidavits and counter-affidavits, the court appointed some officials to investigate the case and they collected statements from the witnesses. After the report was

submitted by the officials after the investigation the court granted compensation and also sentenced the accused police officers to prison for fourteen years. This judgment was given after 13 years of legal battle.

## CONCLUSION

The case of Rajakannu v. State of Tamil Nadu concluded with the Madras High Court ruling that Rajakannu died in police custody. The court found the police officers involved guilty of custodial death and sentenced them to 14 years of rigorous imprisonment. Additionally, the court ordered the state government to pay compensation to Rajakannu's family. This case highlighted the issue of custodial violence and the importance of judicial intervention to ensure justice for victims.<sup>8</sup> It also led to reforms in criminal investigation procedures in India. A movie named Jai Bhim was inspired by this case.

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<sup>8</sup> <https://www.legalserviceindia.com/legal/article-10051-rajakannu-v-s-tamil-nadu-jai-bhim-movie-case-.html>