

Kugan's family wins civil suit against gov't

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By Koh Jun Lin

The family of custodial death victim A Kugan today won their civil suit against the police and the government.

The Kuala Lumpur High Court this morning ordered the respondents to pay RM801,700 in damages to the family and another RM50,000 in costs.

NONEKugan's mother, Indra Nallathamby, 43 (right), in January last year filed a RM100 million civil suit for damages against the government and police over what she claimed as the "brutal murder" of her son.

She named the then-Selangor police chief Khalid Abu Bakar (now inspector-general of police), police officer Navindran Vivekanandan, the then-Subang Jaya police chief Zainal Rashid Abu Bakar (now deceased), as well as the then-inspector-general of police and the government as defendants.

The judge, VT Singham, upheld her claims that Kugan had been wrongly imprisoned, and that the defendants have breached their duty of care to him.

"Police lock-ups and police stations must be a safe place for every human being and should not be converted into a crime scene," he said.

The damages include RM192,000 for lost of dependency, RM9,700 for funeral expenses, RM50,000 for assault and battery, another RM50,000 for causing suffering, RM100,000 for false imprisonment, RM100,000 for malfeasance in public office, and RM300,000 in exemplary damages.

Although the judge held that the remand order on Kugan was legally issued, he said that the order was subsequently abused.

This was done by detaining him at the Taipan Police Station lock-up, although it is not a gazetted lock-up and the court had ordered Kugan to be held at the Petaling Jaya lock-up, and then assaulting him.

Singham said such an abuse of a court's remand order can be tantamount to a contempt of court.

The judge also said that the testimonies of the defendants had been inconsistent

and unreliable and said there had been an attempt to cover up the death.

NONEAfter the court had adjourned, tears were seen flowing from Indra's eyes, but she declined to speak to the press. PKR vice-president N Surendran (right in photo), who was also a witness for Indra, said she was too emotional to speak.

"Despite the victory, this is still a small consolation for the family. Why? Because the culprits who murdered Kugan are still walking free in this country.

"For this family to have closure, the culprits who did this act must be brought to justice," he said.

He was referring to Navindran, who was charged with 'causing grievous harm' and is out on bail, and others who are believed to be still at large.

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