

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.2513 of 2015

S.Vadivel

...

Petitioner

Vs

1.The State of Tamil Nadu
rep.by the Home Secretary,
Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Government of Tamil Nadu,
Kamarajar Salai,
Chennai-600 005.

3.The Commissioner of Police,
Salem City,
Salem.

4.The Deputy Commissioner of Police,
Salem City (Crime & Traffic),
Salem District.

5.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

6.Rathina Kumar,
Inspector of Police, Special Party,
Dharmapuri Police Station,
Dharmapuri.

7.The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri.

8.Ilavarasan,
Sub Inspector of Police, Special Party,
Dharmapuri.

9.The Inspector of Police,
Special Party,
Pennagaram Police Station,
Dharmapuri District.

10.The Inspector of Police,
Special Party,
Harur Police Station,
Harur,
Dharmapuri District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents not to harass the petitioners and his family members without complying Section 160 CrPC to secure the ends of Justice.

For Petitioner :Mr.R.Sankarasubbu

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the respondents not to harass the petitioners and his family members without complying Section 160 CrPC to secure the ends of Justice, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3.Counter has been filed on behalf of the respondents 1 to 7, wherein, they have categorically stated that they did not harass the petitioner. Their undertaking is recorded. The 8th respondent has filed a counter, wherein, in Para 3, it is stated as follows:

"3.I submit that the following criminal antecedents of the petitioner may be taken note of by this Hon'ble Court.

a.The petitioner is involved in a case of theft of Ashok Leyland Taurus Lorry, bearing Registration No.TN-05K-7007, worth Rs.4,00,000/- for which Dharmapuri Town Police Station Crime No.15 of 2014. When A2 Charles @ Sivakumar, aged 33, S/O.Shanmugam of Keelmylampatti Village, Pochampalli Taluk, Krishnagiri District, was arrested on 09.10.2014, his voluntary confession was recorded. According to his confession, he had committed theft along with this petitioner and 2 others and the lorry is in possession of the petitioner. The petitioner is not yet arrested in this case and the lorry has also not been recovered from him till date.

b.The petitioner Tr.Vadivel is also involved in a case of theft of Ashok Leyland Taurus lorry, bearing Registration No.TN-29AL-5568 worth Rs.20,00,000/- dealt with by the neighbouring police Station, i.e., Mathikonpalayam Police Station is Crime No.23 of 2014. The petitioner is FIR named accused No.4 in the said case and he was arrested on 03.06.2014 by the Inspector of Police, Mathikonpalayam Circle and based on his confession a scorpio car bearing registration No.MH-06AQ-7002, which was used in commission of theft in Maharashtra State by the Co-accused was in possession of the petitioner and it was recovered from him after which the petitioner was remanded to judicial custody. The scorpio car was also handed over before the Court of Judicial Magistrate No.I, Dharmapuri, vide CP No.109 of 2014, on 05.06.2014."

4.Since the petitioner is involved in Crime No.15 of 2014 and Crime No.23 of 2014, no blanket direction can be given as prayed for by the petitioner. Under such circumstances, this Criminal Original Petition is closed. It is always open to the petitioner to work out his remedies in the manner known to law.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

mps

To

1.The Home Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Government of Tamil Nadu,
Kamarajar Salai,
Chennai-600 005.

3.The Commissioner of Police,
Salem City,
Salem.

4.The Deputy Commissioner of Police,
Salem City (Crime & Traffic),
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5.The Superintendent of Police,
Dharmapuri District,
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6.Rathina Kumar,
Inspector of Police, Special Party,
Dharmapuri Police Station,
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7.The Inspector of Police,
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Sub Inspector of Police, Special Party,
Dharmapuri.

9.The Inspector of Police,
Special Party,
Pennagaram Police Station,
Dharmapuri District.

10.The Inspector of Police,
Special Party,
Harur Police Station,
Harur,
Dharmapuri District.

11.The Public Prosecutor,
High Court, Chennai.

1 cc to Mr. R.Sankarasubbu, Advocate Sr.No.38368

1 cc to Public Prosecutor Sr.38541

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pmk.11.8.2015

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