

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.29476 of 2015

R.Senthil kumaran

... Petitioner

Vs

1. The Commissioner of Police, State by
Egmore, Chennai - 600 008.
2. The Deputy Commissioner of Police,
Triplicane Range,
Chintadaripet,
Chennai - 600 003.
3. The Assistant Commissioner of Police,
Nungambakkam,
Office at Nungambakkam Police Station,
Chennai - 34.
4. The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu,
Chennai - 600 094.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to direct the respondents to remove the name of the petitioner from the History Sheeter List maintained by the F-5, Choolaimedu Police Station, the 4th respondent herein.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

This petition has been filed to direct the respondents to remove the name of the petitioner from the History Sheeter List maintained by the F-5, Choolaimedu Police Station, the 4th respondent herein.

2. Learned counsel for the petitioner submitted that the petitioner has been implicated as an accused in Crime No.1096 of 2007 on the file of F5, Choolaimedu Police Station, Choolaimedu, Chennai-94, for the offence under sections 148, 341, 302 r/w 149 IPC. The said case was foisted against the petitioner and he is in no way connected with the said offence. After implication in the said case, F5, Choolaimedu Police, had included the petitioner's name in the rowdy list maintained by them. The said criminal case was committed to the VII Additional Sessions Judge at Chennai in S.C.No.289 of 2010 and after elaborate trial, the petitioner was acquitted by the judgment dated 20.12.2010. Except the above said case, the petitioner do not have any bad antecedents. The petitioner is a plumber and out of the hard earned income, he is maintaining his family. But the 4th respondent police, is still maintaining the petitioner's name in the rowdy list. Whenever, the new officer is taken charge, the petitioner is being summoned and only after detailed enquiry and harassment, the petitioner was let off. The petitioner had developed good relationship with the neighbours and also developed good image and reputation in the locality. He made representation to the respondents on 13.04.2015 to remove his name from the rowdy list stating that the petitioner had not come across any adverse notice of the 4th respondent police or before any other police. But the said representation was not considered so far. Hence, the present writ petition.

3. Learned Additional Government Pleader has filed a detailed counter stating that one Annadurai, who was a co-accused with the petitioner in Crime No.1096 of 2007 is now involved in a murder case in T-6, C.No.587/2015 for the offence under sections 120(b), 324 and 302 IPC r/w section 2(3) of Scheduled case and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted that the object of the surveillance is to prevent commission of crime. Since the petitioner was implicated in the criminal case in the year 2007 in which one of the co-accused in that case, is now involved in another murder case in T-6 Police, in Crime No.587 of 2015, there is possibility that the petitioner can revert to a crime, for that purpose, the surveillance of the petitioner is deemed necessary.

4. When the matter is taken up for consideration, learned counsel for the petitioner submitted that his name was implicated in the case in Crime No.1096/2007 and subsequently, on completion of investigation, the charge sheet was filed and the matter was committed to VII Additional Sessions Judge, Chennai, and the petitioner was acquitted in the said case. For the past 5 years, no case

has been registered against the petitioner. Since the co-accused is involved in a murder case in C.No.587/2015,, it cannot be a bar to remove the petitioner's name from the history list.

5. Learned Additional Government Pleader vehemently opposed to give a direction to the respondents to remove the petitioner's name from the history sheet.

6. In an identical circumstances, this Court in W.P.No.19845 of 2013, dated 20.08.2013, has passed an order which reads as follows:

"Sub-clause 2 of the Police Stating Order No.748(1) provides that in case retention of a history sheet is considered necessary after two years of registration, orders of an officer, above the rank of Assistant Superintendent of Police/ Deputy Superintendent of Police, must be taken. Therefore, it is clear that the review of the case is absolutely necessary in case, the history sheet should be retained for more than two years."

7. Considering the above said order passed by this Court and considering the facts and circumstances of the case, this Court directs the 2nd respondent police to review the case of the petitioner and to decide as to whether the name of the petitioner should be retained in the history sheet. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. The wit petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

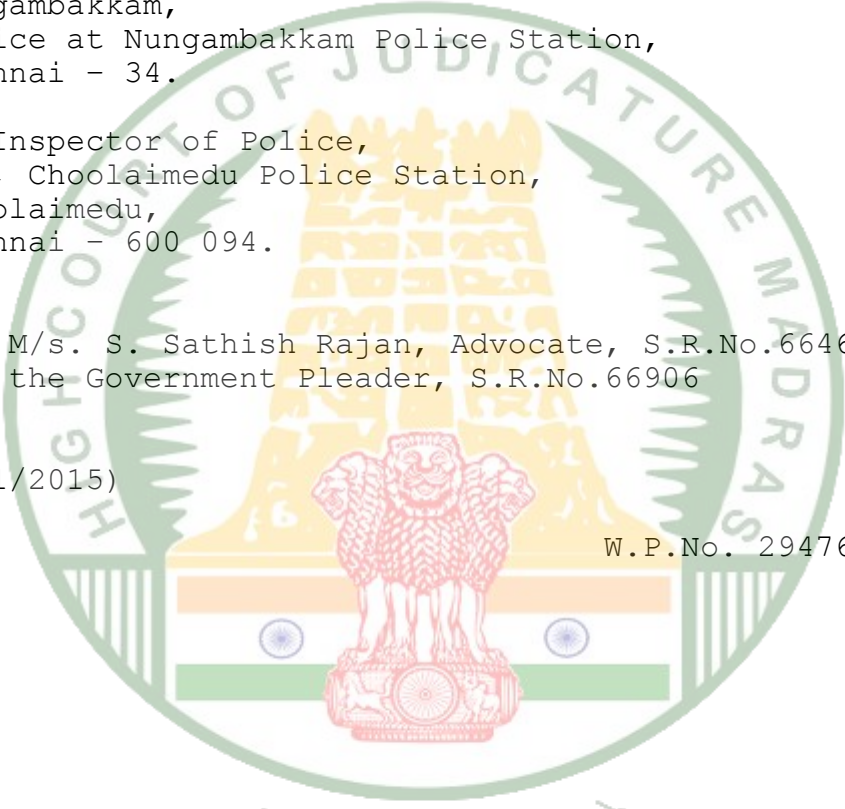
To

1. The Commissioner of Police, State by
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2. The Deputy Commissioner of Police,
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3. The Assistant Commissioner of Police,
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Office at Nungambakkam Police Station,
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4. The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu,
Chennai - 600 094.

+1cc to M/s. S. Sathish Rajan, Advocate, S.R.No.66467
+1cc to the Government Pleader, S.R.No.66906

AD(CO)
EU(06/01/2015)

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