

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.15417 & 15418 of 2013

&

M.P.Nos.1 & 1 of 2015

Mokkubabu @ ThirumanikandanPetitioner in W.P.15417/2013

Pandu @ PiyarejohnPetitioner in W.P.15418/2013

Vs.

1. The Commissioner of Police,
Salem City, Salem.
2. The Deputy Commissioner of Police (L&O),
Salem City, Salem, Salem District.
3. The Assistant Commissioner of Police (L&O),
Hasthampatti, Salem City.
4. The Inspector of Police(L& O),
B-7, Hasthampatti Police Station,
Hasthampatti,
Salem District.Respondents in W.P.15417/2013

1. The Commissioner of Police,
Salem City, Salem.
2. The Deputy Commissioner of Police (L&O),
Salem City, Salem,
Salem District.
3. The Assistant Commissioner of Police (L&O),
Salem South, Salem,
Salem District.

4. The Inspector of Police(L& O),
B-1 Town Police Station,
Salem,
Salem District.

...Respondents in W.P.15418/2013

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to remove the name of the petitioner in both the writ petitions from the rowdy list maintained by the fourth respondent in the fourth respondent police station.

For Petitioner : Mr.C.Prakasam

COMMON ORDER

As the issue involved in both the writ petitions is one and same, they have been taken up together and common order is passed.

2. The petitioner in W.P.No.15417 of 2013 is a history sheeted person in B-1 Salem Town Police Station, Salem City, under History Sheet No.6/2013 dated 21.02.2013. He is said to be involved in Crime Nos.947/2012 and 79/2013. Similarly, the petitioner in W.P.No.15418 of 2013 is also a history sheeted person in B-1 Salem Town Police Station, Salem City, under History Sheet No.2/2013 dated 21.02.2013. He is said to be involved in Crime Nos.947/2012 and 1495/2009.

3. There is nothing on record to suggest that there are fresh cases against the petitioners. In Crime Nos.947 of 2012 and 79 of 2013, the petitioners have been acquitted. In Crime No.1495 of 2009, the petitioner was said to have committed an offence under Sections 147, 148, 341, 294(b), 324, 323 and 506(ii) IPC in the year 2009. It appears that no review is said to have been done after the subsequent developments.

4. As observed above, there is nothing on record in respect of subsequent conduct of the petitioners. The fact that the petitioners have been acquitted in two cases was also not taken into consideration. Therefore, this Court does not find any justification with the continuance of the history for more than 2 ½ years. The ratio laid down in S.VANI VS. SUPERINTENDENT OF POLICE, SIVAGANGAI DISTRICT AND OTHERS ((2008) 3 MLJ (Cr1) 1525) and M.RAJKUMAR V. STATE

OF TAMIL NADU, REP. BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, FORT ST. GEORGE, CHENNAI-9 AND THREE OTHERS would also be applicable to the case on hand.

5. Accordingly, the writ petitions stand allowed and the respondents are directed to remove the names of the petitioners in the rowdy list maintained by the fourth respondent. It is made clear that this order does not stand in the way of the respondents to take appropriate steps based upon the subsequent developments. It is also made clear that this order is with respect to the history sheet now available with the fourth respondent alone, meaning thereby, this order would not stand in the way of the fourth respondent to act in accordance with law based upon the relevant materials. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

raa

To

1. The Commissioner of Police,
Salem City, Salem.
2. The Deputy Commissioner of Police (L&O),
Salem City, Salem,
Salem District.
3. The Assistant Commissioner of Police (L&O),
Hasthampatti,
Salem City.
4. The Inspector of Police (L&O),
B-7, Hasthampatti Police Station,
Hasthampatti,
Salem District.

5. The Assistant Commissioner of Police (L&O),
Salem South, Salem,
Salem District.

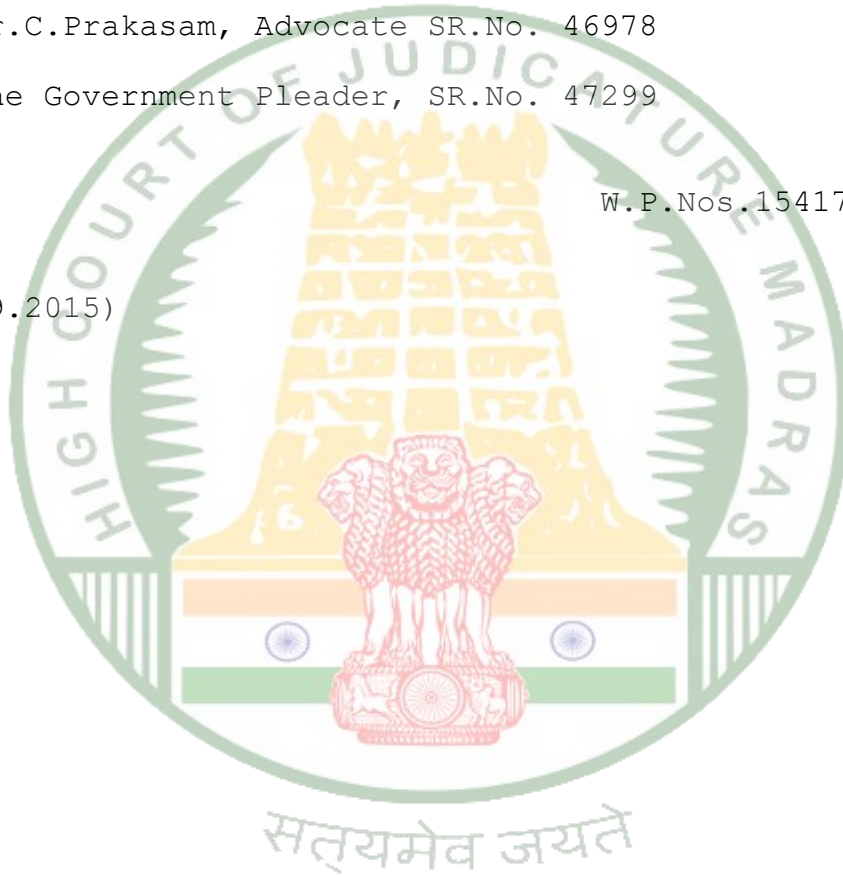
6. The Inspector of Police(L & O),
B-1 Town Police Station,
Salem, Salem District.

1 CC to Mr.C.Prakasam, Advocate SR.No. 46978

1 CC to the Government Pleader, SR.No. 47299

W.P.Nos.15417 & 15418 of 2013

lrs (CO)
PSI (07.09.2015)



WEB COPY