



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.03.2015
CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.(MD)No.5842 of 2015

WEB COPY

State represented by the
Deputy Superintendent of Police,
Organized Crime Unit,
Crime Branch CID.,
Tirunelveli.

... Petitioner/Complainant

Vs.

Suresh @ Kasiniventhan @ Asir

... Respondent/Accused

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 23.03.2015, partly allowing the petition praying for police custody of the respondent/accused for 5 days for interrogation orders by granting only 6 hours (12.00 p.m. to 6.00 p.m.) police custody passed by the Judicial Magistrate Court No.I, Kovilpatti in Crl.M.P.No.1709 of 2015 in Crime No.2 of 2015.

For Petitioner : Mr.R.Ramachandran
Addl. Public Prosecutor

For Respondent : Mr.S.R.Durairaj

O R D E R

This Criminal Original Petition is filed to set aside the order dated 23.03.2015 passed by the Judicial Magistrate Court No.I, Kovilpatti in Crl.M.P.No.1709 of 2015 in Crime No.2 of 2015 and partly allow this petition praying for police custody of the respondent/accused for 5 days.

2. The order of the learned Judicial Magistrate No.I, Kovilpatti passed in Crl.M.P.No.1709 of 2015 in Crime No.2 of 2015, permitting police custody for a limited period of 6 hours is challenged informing the time granted to be insufficient.

3. The case in Crime No.2 of 2015 on the file of the petitioner stands registered for offences under Sections 302, 294(b), 506(ii) I.P.C. r/w. 3(2)(V) SC/ST (Prevention of Atrocities Act), 1989. The petitioner has arrested the respondent on 17.03.2015 at 4.00 a.m. The confession statement of the respondent stands recorded between 4.15 a.m. and 5.45 a.m. On the basis of such confession, case properties stand recovered between 6.00 a.m. and 7.00 a.m. The respondent has been produced before the Magistrate for the purpose of remand at 11.30 a.m. The petitioner have moved Crl.M.P.No.1709 of 2015 on 18.03.2015, seeking custody of the respondent for 5 days. Against such request, the Magistrate Court No.I, Kovilpatti considered it appropriate to grant custody between 12.00 noon and 6.00 p.m. on 23.03.2015. Against such order, the present Criminal Original petition has been filed.



4. Heard the learned Additional Public Prosecutor and the learned counsel for the respondent.

5. In passing the order under challenge, the Magistrate has taken into consideration the fact that police custody of an accused cannot be had for the mere asking and that pursuant to the confessional statement of the respondent, case properties have been recovered (learned Additional Public Prosecutor submits that one revolver, six bullets and seven aruvals were recovered).

6. We find that a reasoned approach stands adopted by the Magistrate in permitting police custody for a limited period. This Criminal Original Petition shall stand dismissed, however with the modification that the petitioner would now be entitled to take the respondent into their custody between 12.00 noon and 6.00 p.m. on 31.03.2015 and on the conditions imposed by the Magistrate under his order order 23.03.2015.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Kovilpatti.
- 2 Do-Thro' The Chief Judicial Magistrate,
Thoothukudi District.
- 3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.5842 of 2015
30.03.2015

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