



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.10.2015

WEB COPY

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.13291 of 2015

S.Boopapthy Raja

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By Chief Secretary to Government,
Secretariat,
Chennai - 600 009.

2. The President,
The District Legal Services Authority,
Combined Court Buildings,
Thanthondrimalai,
Karur.

3. The Inspector of Police,
Kulithalai Police Station,
Karur District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to award compensation as per the provisions of Section 357(A) of Cr.P.C within the time limit prescribed by this Court.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.M.Murugan

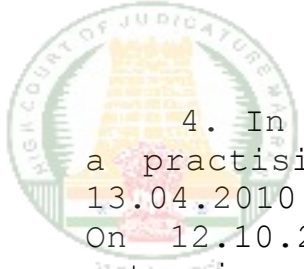
Government Advocate, takes notice

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to award compensation as per the provisions of Section 357(A) of Cr.P.C within a stipulated time.

2.Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

<https://hcservices.courts.gov.in/hcservices>, the Writ Petition itself is taken up for final disposal.



4. In the affidavit it has been averred that the petitioner is a practising Advocate and enrolled himself as an Advocate on 13.04.2010 and he was attached to the office of Mr.R.Karthikeyan. On 12.10.2011, after completion of work, the petitioner was returning to his home in his two wheeler at about 8.00 p.m., and when he was passing Musiri Cauvery River Bridge, an unknown person came from his back in a two wheeler and asked him to stop the vehicle. Since the petitioner did not stop the vehicle, the said person followed the petitioner and fired at him from the backside with a hand pistol. The petitioner sustained injury in his right hand shoulder and fell down from the two wheeler. The above said person stopped his vehicle and again fired at the petitioner near the chest and fled away from the place of occurrence. The petitioner was immediately taken to the Government Hospital at Kulithalai for taking treatment and thereafter, he was admitted in a private hospital at Trichy for further treatment. In this regard, the petitioner has made a complaint to the Sub-Inspector of Police, Kulithalai and based on which a case in Crime No.441 of 2011 was registered. The police have investigated the matter. But till date the accused could not be traced. Hence, the police have closed the case as undetected. Due to the above incident, the petitioner incurred medical expenses of Rs.2 lakhs. Hence, he approached the District Legal Services Authority, the second respondent herein on 18.04.2012 seeking compensation under Section 357(A) of the Criminal Procedure Code. But there is no progress in the matter. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The learned counsel appearing for the petitioner submitted that the Inspector of Police enquired into the matter and sent a report to the second respondent and the second respondent did not pass any order with regard to awarding of compensation under Section 357(A) of Cr.P.C.

6. Considering the submissions made by the learned counsel for the petitioner, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, this Court directs the second respondent to conduct enquiry based on the report sent by the Inspector of Police, Kulithalai Police Station, Karur District and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)



To

1. The Chief Secretary to Government,
State of Tamil Nadu, Secretariat,
Chennai - 600 009.

2. The President,
The District Legal Services Authority,
Combined Court Buildings,
Thanthondrimalai, Karur.

3. The Inspector of Police,
Kulithalai Police Station,
Karur District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 60498
+ 1 CC TO MR.V.PERUMAL, ADVOCATE IN SR NO. 60469

PM

TE/GSV-PM/ : 27/10/2015 : 3P/6C

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12.10.2015