



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.6444 of 2014

1.R.Jeyakumar Jothi
2.T.Subramanian @ Raja
3.R.Jeyaram Jothi
4.S.Ramesh
5.M.Rengaiah

.. Petitioners

Vs.

1.The Home Secretary
Secretariat
Fort St.George,
Chennai.

2.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai
Chennai - 600 004.

3.The Joint Director,
Central Bureau of Investigation
III floor, E.V.K.Sampath Building,
College road,
Chennai.

4.The Inspector of Police,
Railway Police Station,
Tirunelveli.

5.The Deputy Superintendent of Police,
CBCID, Chennai.

6.Marirajan
Inspector of Police,
CBCID, Chennai.

7.The District Collector,
Tirunelveli,
Tirunelveli District.

8.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to conduct fresh investigation in Crime No.8 of 2008 on the file of the fourth respondent and consequently direct the first second and sixth respondents to pay compensation of Rs.10 crores to each of the petitioners.



WEB COPY

For Petitioner : Mr.AR.Jeyarhuthran
For RR - 1, 2, 4, 5 & 7,8 : Mr.D.Muruganandham
Addl.Govt.Pleader
For R - 3 : Mr.J.Jeyakumaran
Central Govt.Standing Counsel
For R - 6 : Mr.G.R.Swaminathan

O R D E R

This writ petition is filed seeking for a mandamus, directing the third respondent to conduct fresh investigation in Crime No.8 of 2008 on the file of the fourth respondent and consequently direct the respondents 1, 2 and 6 to pay compensation of Rs.10 crores to each of the petitioners.

2.It appears that the present writ petition is filed not only seeking for fresh investigation in respect of Crime No.8 of 2008 and also seeking for payment of compensation of Rs.10 crores, pursuant to the Judgment passed by the Additional District and Sessions Court/Fast Track Court, No.I, Tirunelveli in Sessions Case No.180 of 2010 dated 19.11.2011.

3.After notice in this writ petition, the learned counsel appearing for the respondents submitted that as against the Judgment passed by the trial Court in Sessions Case No.180 of 2010, Criminal Appeal No.124 of 2013 has been filed before this Court and the same is pending. Therefore, it is contended that the prayer sought for in this writ petition is not at all maintainable not only in so far as the relief sought for fresh investigation in Crime No.8 of 2008 and also the same is highly premature in respect of the relief seeking compensation in view of the fact that the appeal is pending before this Court as against the Judgment passed by the trial Court. The above said fact with regard to pendency of criminal appeal before this Court is not disputed by the learned counsel appearing for the petitioners. Therefore, this Court, considering the above stated facts and circumstances, is of the view that the prayer sought for in this writ petition is not maintainable at this stage.

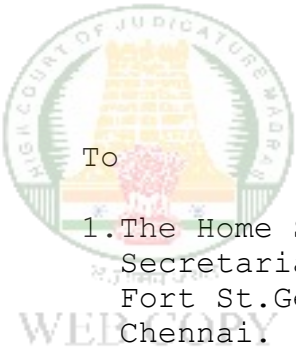
4.Accordingly, this writ petition is dismissed without going into the merits of the matter, only on the ground that the same is not maintainable. However, it is open to the petitioners to seek for appropriate relief if it is so maintainable, justifiable and warranted in pursuant to the disposal of the appeal in Criminal Appeal No.124 of 2013 pending before this Court. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub AssistantRegistrar



To

1.The Home Secretary
Secretariat
Fort St.George,
Chennai.

2.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai
Chennai - 600 004.

3.The Inspector of Police,
Railway Police Station,
Tirunelveli.

4.The Deputy Superintendent of Police,
CBCID, Chennai.

5.The District Collector,
Tirunelveli,
Tirunelveli District.

+1cc to M/s.A.R.Jeyaruthran, Advocate Sr.No.64991/15
+1cc to M/s.G.R.Swaminathan, Advocate SR.No.64884/15
+1cc to special Government Pleader SR.No.64764/15

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