



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.11.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.22230 of 2015

and

M.P. (MD) .No.1 of 2015

A.Kannan

: Petitioner

Vs.

1.The High Court of Judicature at Madras,
Rep by its Registrar General,
High Court of Madras, Chennai 600 104.

2.The Registrar [Administration],
Madurai Bench of Madras High Court,
Madurai.

3.The Principal District & Sessions Judge,
District Court Campus,
Madurai 625 020.

4.The Chief Judicial Magistrate,
District Court Campus,
Madurai 625 020.

5.Thiru.R.Barathiraja,
Judicial Magistrate/FTC-II,
Madurai 625 020.

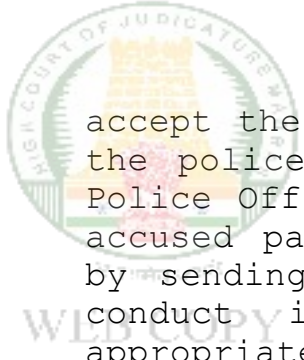
6.The Superintendent of Police,
Madurai Rural District,
Madurai 7.

7.The Sub-Inspector of Police,
Palamedu Police Station,
Alanganallur, Madurai District.

8. The Sub-Inspector of Police,
All Women Police Station, Samayanallur,
Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue appropriate directions to the learned Judicial Magistrates and other remanding Magistrate/Judges to



accept the remand of the arrested persons as and when required by the police without fixing any time limit orally conveyed to the Police Officials and further direct them not to harass the remand accused particularly aged, sick, women and infirm remand accused by sending them back to the police custody and consequently to conduct impartial and administrative enquiry and to take appropriate action against the fifth respondent herein for the Human Rights Violation committed against a sick woman accused arrested in connection with Crime No.110/2015, on the file of the seventh respondent by disposing of the petitioner's representations dated 06.08.2015 and 13.08.2015.

For Petitioner : Mr.A.Kannan
Party-in-person

For Respondent Nos.1to4 : Mr.D.Sivaraman
Standing Counsel

For Respondent Nos.6 to 8 : Mr.Aaiyram K.Selvakumar
Government Advocate

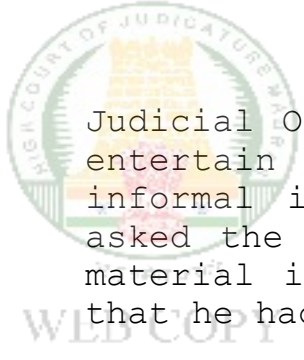
O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is an Advocate. He has come up with this Writ Petition seeking a direction to the Madras High Court to issue appropriate directions to the learned Judicial Magistrates and other remanding Magistrate/Judges to accept the remand of the arrested persons as and when required by the police, without fixing any time limit orally conveyed to the Police Officials and further direct them not to harass the remand accused, particularly aged, sick, women and infirm remand accused by sending them back to the police custody and consequently to conduct impartial and administrative enquiry and to take appropriate action against the fifth respondent herein for the Human Rights Violation committed against sick women accused, arrested in connection with the Crime No.110/2015, on the file of the seventh respondent, by disposing of the representations dated 06.08.2015 and 13.08.2015.

2. Today, when the Writ Petition was taken up for hearing, the petitioner made appearance as a party-in-person and made his submissions elaborately. Mr.D.Sivaraman, the learned Standing Counsel, represented the respondents 1 to 4. No notice has been ordered to the fifth respondent. Mr.Aaiyram K.Selvakumar, the learned Government Advocate, has made appearance for the respondents 6 to 8. We have heard them all.

<https://hcservices.courts.gov.in/hcservices/> 3. In the affidavit filed in support of the Writ Petition, the petitioner has alleged that there is a general practice among the



Judicial Officers in the State of Tamil Nadu that they refuse to entertain the remand papers during night hours and there is an informal instruction to the police to the said effect. When we asked the petitioner to explain as to what is the foundation or material in his hands to substantiate this allegation, he stated that he had heard from Advocates.

4. The Registrar Judicial of this Court has made appearance today along with the Chief Judicial Magistrate, Madurai, as directed by this Court. They stated that there is no such practice in the State and if any such complaint against any Judicial Officer is received, the same would be dealt with by the High Court. Thus, in our considered view, the allegation made by the petitioner in Paragraph No.6 of the affidavit filed in support of the Writ Petition, is baseless. Therefore, no direction, as prayed for by the petitioner in the Writ Petition, need be issued for instructing the Judicial Magistrates in the State to accept the remand papers during night hours and to pass appropriate orders.

5. So far as the allegation against the fifth respondent is concerned, he was the Judicial Magistrate/Fast Track Court No.II, Madurai, during the relevant period. According to the petitioner, the women accused involved in Crime No.110 of 2015, on the file of the seventh respondent, were arrested and brought before the Court of the learned District Munsif cum Judicial Magistrate, Vadipatti, at about 06.30 PM, on 05.08.2015. Since the said learned Judicial Magistrate was on leave, at once, the accused were brought to the house of the fifth respondent at Madurai, who was put in-charge of the Court of the learned District Munsif cum Judicial Magistrate, Vadipatti.

6. It is the allegation of the petitioner that the house of the fifth respondent was bolted from inside. The fifth respondent was, however, very much available inside the house. He has further stated that the police, who had gone to the house, were apprehensive of knocking at the doors or ringing the calling bell out of fear for the fifth respondent. Thereafter, one Police Constable went in search of the Office Assistant attached to the fifth respondent and finally, he located one Mr.Balamurugan through his cellphone. When he was contacted, Mr.Balamurugan, the Office Assistant, told that the learned Judicial Magistrate would not entertain the remand papers during night hours. According to the petitioner, the accused were, therefore, taken back by the police, kept in Samayanallur Police Station and thereafter, on the next day, around 08.30 AM, they were brought to the house of the fifth respondent and then, the fifth respondent remanded them to judicial custody.

<https://hcservices.courts.gov.in/hcservices/>7. In connection, the petitioner has sent a complaint to the Registrar General, the Principal District Judge, Madurai and



the Chief Judicial Magistrate, Madurai. According to the petitioner, no action whatsoever was taken against the fifth respondent, though he submitted an affidavit to the High Court in response to the letter received from the High Court.

8. Today, the file relating to the entire episode of this case has been produced by the Registrar Judicial of this Bench. It is seen from the file that a report was called for from the Principal District Judge, Madurai, after holding necessary enquiry into the allegations made by the petitioner. The Principal District Judge called for explanation from the fifth respondent as well as Mr. Balamurugan and after holding enquiry, he submitted a report to the effect that there was no truth in the allegations made by the petitioner, against the fifth respondent. Acting on the same, the High Court has closed the file.

9. The petitioner would submit that he has got information under the Right To Information Act, 2005, relating to the entries in the General Diary made on 05.08.2015 at Samayanallur Police Station. He has produced the same by way of typed-set of papers. A perusal of the same would go to show that there is no entry in the General Diary that the accused were brought to the Samayanallur Police Station, because the fifth respondent refused to entertain the remand papers from the police. As a matter of fact, the entry shows that for the purpose of interrogation, they were brought to the Samayanallur Police Station and they were all kept in the Police Station. Thus, the entry in the General Diary also substantiates the report of the Principal District Judge, Madurai, which has been accepted by the High Court. In view of the same, we hold that there is no truth in the allegations made by the petitioner against the fifth respondent requiring either enquiry or further action against him.

10. At the end, the petitioner, after having realized the facts, submitted to this Court that he did not press this Writ Petition for any orders. The said submission made by the petitioner is recorded. He has also made endorsement to the said effect.

11. Recording the said submission made by the petitioner and considering the endorsement made by him, the Writ Petition is dismissed as withdrawn. The Registrar Judicial shall return the Administrative File relating to the complaint of the petitioner to the relevant department or this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

- 1.The Registrar General,
The High Court of Judicature at Madras,
High Court of Madras, Chennai 600 104.
 - 2.The Registrar [Administration],
Madurai Bench of Madras High Court, Madurai.
 - 3.The Registrar [Judicial],
Madurai Bench of Madras High Court, Madurai.
 - 4.The Principal District & Sessions Judge,
District Court Campus, Madurai 625 020.
 - 5.The Chief Judicial Magistrate,
District Court Campus, Madurai 625 020.
 - 6.Thiru.R.Barathiraja,
Judicial Magistrate/FTC-II, Madurai 625 020.
 - 7.The Superintendent of Police,
Madurai Rural District, Madurai 7.
 - 8.The Sub-Inspector of Police,
Palamedu Police Station,
Alanganallur, Madurai District.
 9. The Sub-Inspector of Police,
All Women Police Station, Samayanallur, Madurai District.
- +1 CC to Mr.D.SIVARAMAN, Advocate, SR No.66262
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.66040

ORDER MADE IN
W.P. [MD] .No.22230 of 2015
03.11.2016

NB

SH/SKS-RR:21.11.2016:5P/12C