



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) No.1119 of 2017

and

C.M.P(MD) No.7682 of 2017

M.Arumugam ... Appellant/Petitioner

-vs-

- 1.The State of Tamilnadu,
Represented by the Secretary,
Home Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Government of Tamilnadu,
State Police Head Quarters,
Kamarajar Salai,
Chennai 600 004.
- 3.The District Collector,
Dindigul District,
Dindigul 624 004.
- 4.The Superintendent of Police,
Dindigul District,
Dindigul 624 004.
- 5.The Deputy Superintendent of Police,
Ottanchathiram,
Dindigul District.
- 6.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
- 7.The Inspector of Police,
Sulur Police Station,
Coimbatore District.



8.The Inspector of Police,
Singanallur Police Station,
Coimbatore District.

...Respondents/Respondents

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to call for records relating to the order dated 06.04.2017 in W.P. (MD) No.14611 of 2016 on the file of this Court and set aside the same and allow the Writ Appeal.

Prayer in WP(MD). 14611/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus (a) directing the 1st and 2nd respondents to entrust the investigation in Crime No.136 of 2016 on the file of the Kannivadi Police Station, Dindigul to a competent officer in CBCID as per Rule 7(1) of SC/ST (PoA) Rules 2016 of the SC/ST (PoA) Amendment Act, 2015 and to ensure effective investigation and follow up action as per the said Amendment Act, 2015 and (b) to direct the 2nd respondent to ensure appropriate action against the 5th, 6th, 7th and 8th respondents and the police personnel working under 7th and 8th respondents as per Section 4 of the SC/ST (POA) Amendment Act, 2015, for wilfully neglecting their duties required to be performed under this Act; and (c) directing the 1st Respondent to appoint a special officer as per Rule 10 of the SC/ST (POA) Rules, 2016 to coordinate the District Level Officers responsible for complementing the provisions of the Act and (d) directing the 4th Respondent to furnish a copy of the video taken during the recovery of the disposed body of the Petitioner's daughter and a copy of the video recorded at the time of the postmortem as both were deliberately done in the Petitioner's absence.

For Appellant	:	Mr.A.Sahaya Philomin Raj
For Respondents	:	Mr.VR.Shanmuganathan Spl. Govt. Pleader

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

Apart from the issue pertaining to the maintainability, the reasoning of the learned Single Judge by taking note of the stage of the case while declining the relief appears to be correct, in our considered view. Thus, the remedy open to the petitioner is to workout under the court. The grievances of the appellant appears



to be with respect non inclusion of the provision of the POCSO Act 2012.

2.We hope and trust that the learned Sessions Judge while framing the charges will take note of the aforesaid grievances.

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3.With the above observation, this Writ Appeal is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary,
Home Department,
Secretariat, Chennai-600 009.
 - 2.The Director General of Police,
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Sulur Police Station, Coimbatore District.
 - 8.The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
- +One cc to The Special Government Pleader, SR.No.73852
cp/am
RL/10C/3P/MR/KKR/SAR1/4/9/2017

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