

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1800 of 2015 and
MP No.1 of 2015

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi, Villupuram District.
- 2.The Superintendent of Police,
Villupuram, Villupuram District.
- 3.The Station House Officer,
Chinna Salem Police Station,
Chinna Salem, Kallakurichi Taluk,
Villupuram District.
- 4.The Station House Officer,
Attur Police Station, Attur, Salem District.
- 5.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department.
- 6.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009. Appellants

-vs-

- 1.A.Pavadai
- 2.The Correspondent
St.Little Flower Higher Secondary School,
Chinna Salem, Kallakurichi Taluk,
Villupuram District. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P No.37980 of 2003 dated 06.02.2014.

Prayer In W.P.No.37980 of 2003:

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the 5th respondent to pay the petitioner a sum of Rs.5,00,000/- towards compensation for the death of his son, P.Suresh, in the custody of the 5th respondent on 21.12.1999 and award costs.

For Appellants : Mr.V.Anandhamoorthy
Addl. Government Pleader

For Respondents : Mr.S.Ayyathurai for R1
Mr.Godson Swaminathan for
M/s.Isaac Chambers for R2

J U D G M E N T

[Judgment of the Court was delivered by

K.K. SASIDHARAN,J.]

This intra court appeal is directed against the order dated 6 February 2014 in W.P.No.37980 of 2003, whereby and where under, while directing the appellants to pay compensation to the first respondent, the learned single Judge directed the Police to investigate the matter and file a charge sheet against all concerned.

2. When the intra court appeal came up for hearing on 3 April 2018, this Court directed the Superintendent of Police, Special Units, Crime Branch CID, Chennai, to file a Status Report with regard to the present stage of the investigation in Crime No.98 of 2001 on the file of Chinna Salem Police Station, which was re-registered on the file of the Crime Branch.

3. The Superintendent of Police, Crime Branch in her Status Report submitted that after completion of investigation, charge sheet was filed against three accused under Section 304-A IPC before the Chief Judicial Magistrate, Villupuram. The learned Chief Judicial Magistrate has taken the charge sheet on file and commenced the trial.

4. The Government pursuant to the direction issued by this Court sanctioned a sum of Rs.8,32,813/- and the amount was paid to the first respondent on 27 April 2016. The Status Report is taken on record.

5. The intra court appeal is filed against the order directing the Police to conduct investigation and file a charge sheet. Similarly, there was a direction to pay a sum of Rs. 3,75,000/- as compensation to the first respondent on account of the death of his son, who was a student of St.Little Flower Higher Secondary School, Chinna Salem. During the currency of this appeal, the Police completed the investigation and laid the charge sheet. Similarly, compensation was also paid along with interest. Therefore, nothing survives for adjudication in this intra court appeal at this point of time. We direct the learned Chief Judicial Magistrate, Villupuram to complete the trial and pronounce the judgment as expeditiously as possible without in any way being influenced by any of the observations contained in the order dated 6 February 2014 in W.P.No.37980 of 2003.

6. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi, Villupuram District.
- 2.The Superintendent of Police,
Villupuram, Villupuram District.
- 3.The Station House Officer,
Chinna Salem Police Station,
Chinna Salem, Kallakurichi Taluk,
Villupuram District.

4.The Station House Officer,
Attur Police Station, Attur, Salem District.

5. The Secretary to Government,
The State of Tamil Nadu,
Home Department.

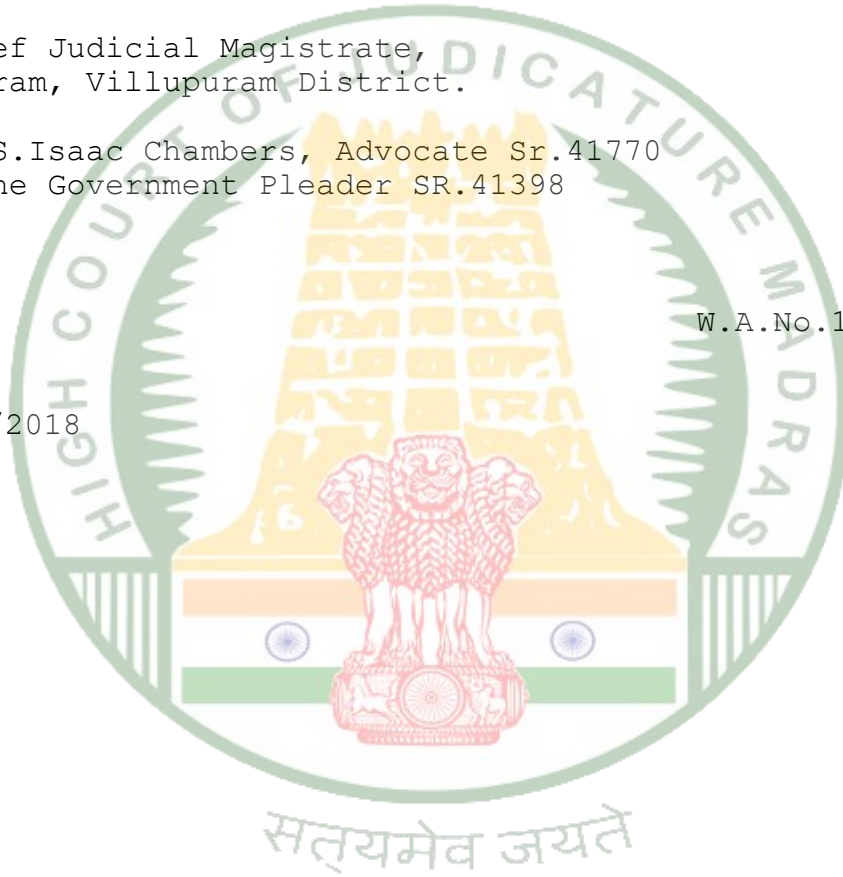
6.The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Fort St.George, Chennai - 600 009.

7.The Chief Judicial Magistrate,
Villupuram, Villupuram District.

+1c to M/S.Isaac Chambers, Advocate Sr.41770
+1cc to the Government Pleader SR.41398

W.A.No.1800 of 2015

mp[co]
srg 16/07/2018



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