

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33173 of 2018

V.M.Elangovan

... Petitioner

Vs.

1.The Superintendent of Police,
Thiruvarur.

2.The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 19.11.2018 and pass orders for requesting to remove his name from the History Sheet maintained by the second respondent police.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondent police to consider the representation of the petitioner and to remove his name from the History sheet maintained by the second respondent.

2.The learned counsel for the petitioner would submit that the second respondent registered a case against the petitioner in Crime No.10 of 1995 for an offence under Section 302 r/w 34 of IPC. The petitioner was convicted by judgment of the Sessions Court at Nagapattinam on 08.10.1996. This was subsequently confirmed by this Court in CrI. A.No.859 of 1996 by judgment dated 21.01.1999. This was subsequently confirmed by

the Honourable Supreme Court in SLP (Crl) No.5149 of 2005 by judgment dated 21.09.2005. In the mean time, the petitioner also completed his law degree.

3.The learned counsel for the petitioner would further submit that in view of the dismissal of the appeal before the Supreme Court, the petitioner surrendered before the Court on 21.10.2005 and had served life sentence for a period of 15 years.

4.Considering the conduct of the petitioner, a premature release was made in view of G.O.Ms.No.64 dated 01.02.2018. The history sheet was opened by the respondent police in H.S.No.341 of 1995 and the same is kept alive till today. Due to this, the petitioner is not in a position to enroll himself as an Advocate.

5.The learned counsel for the petitioner would submit that the history sheet is being extended totally in violation of police standing orders. Therefore, a representation was given to the respondent police seeking to remove the name of the petitioner from the history sheet. Since, the representation was not considered, the petitioner has filed the present writ petition seeking for an appropriate relief.

6.In view of the limited relief sought for by the petitioner, there shall be a direction to the second respondent to consider the representation dated 19.11.2018 made by the petitioner, in the light of the judgment of this Court in W.P. (MD)Nos.19651 of 2017, 14198, 14197, 14203, 16051, 16180, 17352, 17442, 18327 and 18373 of 2018, 19639 of 2017 and 19425 of 2018 and Crl.O.P.(MD).Nos.4496, 7467, 16468 of 2016 and 11849 and 14462 of 2017 dated 26.09.2018 and also the relevant police standing orders and shall take an appropriate decision within a period of four weeks from the date of receipt of a copy of this order.

8.In the result, this writ petition is disposed of with above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsg1/ia

To

1.The Superintendent of Police,
Thiruvavarur.

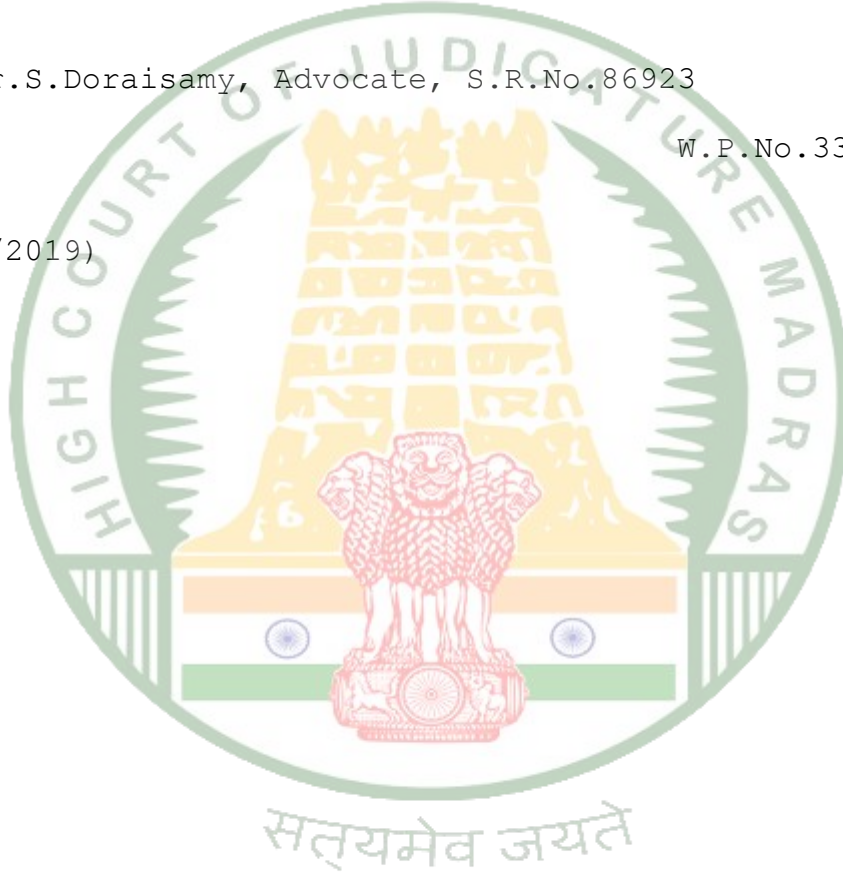
2.The Inspector of Police,
Needamangalam Police Station,
Thiruvavarur District.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.86923

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VGI (CO)
GSP (07/01/2019)



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