

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33586 of 2018
and W.M.P.Nos.38973 & 38979 of 2018

M.Kumar

... Petitioner

Vs

1.The Superintendent of Police
Cuddalore District @ Cuddalore.

2.The Inspector of Police
Town Police Station,
Chidambaram,
Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus or any other appropriate writ or order or direction in the nature of Writ, to call for the records in connection with impugned notice passed by the 1st respondent in his proceedings in D.O.No.534/2010, C.No.D1/12680/2009 dated 13.05.2010 and quash the same and consequently direct the 1st respondent to reinstate the petitioner into service with continuity of service and all attendant monetary benefits.

For Petitioner : Mr.N.Sathish Babu

For Respondents: Mr.R.S.Selvam,
Government Advocate

O R D E R

The petitioner was working as constable in the police department. A case in Crime No.24 of 2009 under Section 174(b) of Cr.P.C. Altered into Section 498(A) and Section 304 (b) of IPC read with Section 4 and 6(2) of Dowry Prohibition Act, was registered against the petitioner and he was remanded to

judicial custody. The first respondent, by his proceedings dated 28.04.2009 suspended the petitioner from service by invoking Tamil Nadu Police Subordinate Rules (D&A) Rules 1955. In the meantime, the trial in the criminal case proceeded before the learned District Sessions Judge (Mahila Court, Cuddalore) in S.C.No.289 of 2009 and the said case ended in conviction. Thereafter, the first respondent by his proceedings dated 13.05.2010, dismissed the petitioner from service on the ground that he was convicted in the abovesaid criminal case. Against the conviction and sentence in S.C.No.289 of 2009, the petitioner filed an appeal before this Court in Crl.A.No.123 of 2010 and this Court, by the judgment dated 19.07.2017 set aside the conviction and sentence and acquitted the petitioner and his parents. Therefore, the petitioner approached the first respondent with a request to reinstate him into service in view of the acquittal from the criminal case. As there is no response, the petitioner has filed the present writ petition.

2. Mr.R.S.Selvam, learned Government Advocate takes notice on behalf of the respondents. Heard the learned counsel on either side and perused the materials placed on record.

3.It is not known whether the copy of judgment of acquittal was marked to the employer of the petitioner. The petitioner ought to have approached the respondents with a representation to the respondents enclosing a copy of the judgment of the Division Bench of this Court in Crl.A.No.123 of 2010 dated 19.07.2017. However, the petitioner, without exhausting the said remedy, has approached this Court directly. Having regard to the fact that the petitioner has been acquitted of the criminal case even in the year 2017 and one year has lapsed, this Court is inclined to entertain this writ petition.

4. Accordingly, the respondents are directed to take into account the acquittal of the petitioner vide the judgment passed this Court in Crl.A.No.123 of 2010 dated 19.07.2017 and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kst

To

1.The Superintendent of Police
Cuddalore District @ Cuddalore.

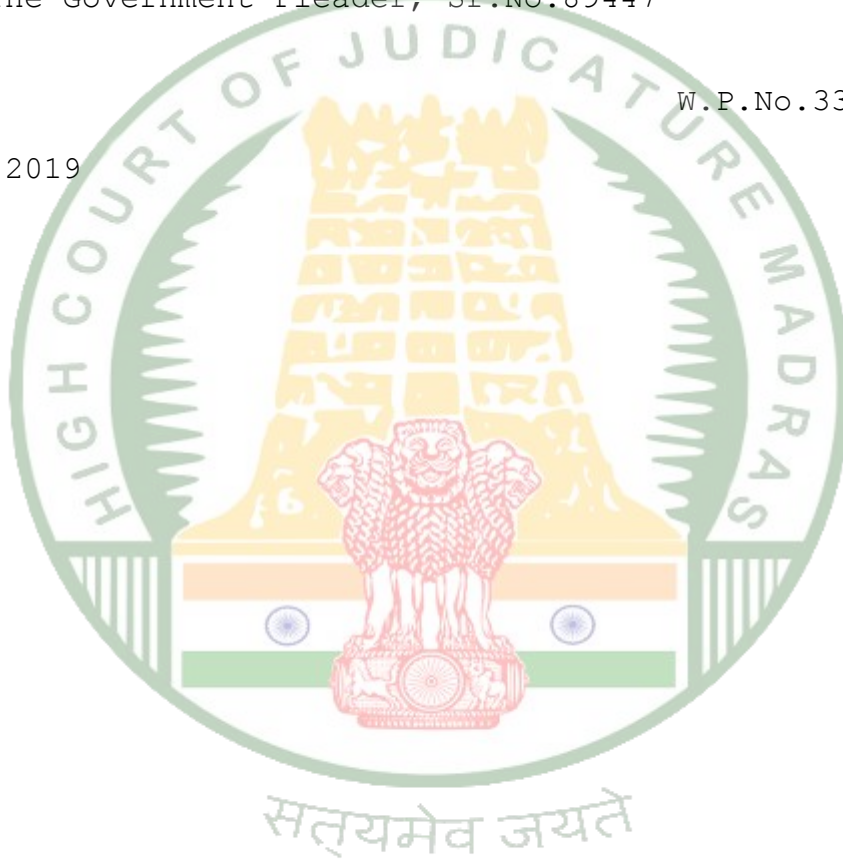
2.The Inspector of Police
Town Police Station,
Chidambaram,
Cuddalore District.

+1 cc to Mr.E.Sathiyaraj, Advocate Sr.No.89422

+1 cc to The Government Pleader, Sr.No.89447

W.P.No.33586 of 2018

GJII(CO)
CSL/22.01.2019



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