



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Writ Appeal (MD)No.1032 of 2015

and

M.P(MD)No.1 of 2015

1. The Assistant Commissioner of Police,
Anna Nagar (L&O) Range,
Madurai City, Madurai.

2. The Inspector of Police,
Law and Order,
Pudur Police Station,
Madurai 7.

... Appellants/ Respondents
Vs.

Chandrabose

... Respondent/Petitioner

Writ Appeal filed under clause 15 of the Letters Patent
against the order dated 31.08.2015 in W.P(MD)No.14740 of 2015.

Prayer in WP(MD)No. 14740 of 2015 :

Writ Petition is filed under Article 226 of the Constitution
of India, praying for the issue of a Writ of Certiorarified
Mandamus to call for the records relating to the Impugned order
passed by the 1st respondent in C.No. 09/Memo/AC-ANR/L&O/MC/15
dated 03.07.2015 and quash the same and consequently direct the
1st respondent to close the history sheet.

For Appellants : Mrs.J.Padmavathi Devi,
Special Government Pleader.

For Respondent : Mr.R.Maheswaran

JUDGEMENT

PUSHPA SATHYANARAYANA, J

The appeal is directed against the order passed by the
learned single Judge dated 31.08.2015 passed in W.P(MD)No.14740 of
2015.

2.The said writ petition was filed for the issuance of a
writ of certiorarified mandamus, to call for the records relating
to the impugned order passed by the first appellant in
C.No.09/Memo/AC-ANR/L&O/MC/15, dated 03.07.2015 and quash the same
and consequently direct the first appellant to close the
history sheet.



8. Since the crimes in which the respondent was involved are not heinous, he was acquitted ultimately. Even the learned single Judge had recorded the undertaking that he would not involve in any crime in future and he would enroll himself as an Advocate. The learned single Judge has allowed the writ petition only on the sympathetic ground that erring human should be given an opportunity to reform his attitude.

9. Learned counsel for the respondent vouched for the conduct of the respondent and prayed that his name may be removed from the history sheet.

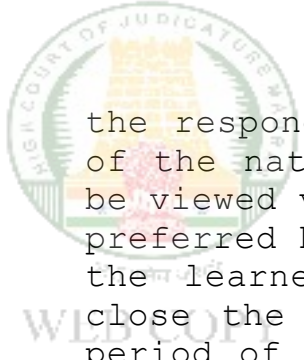
10. In the light of the above, this Court had directed the respondent to file an affidavit of undertaking before this Court. Pursuant to the same, the respondent has filed an undertaking affidavit and stated as follows:-

"2. I submit that I am hailing from poor family, my father is a auto driver by profession. The 2nd Appellant Police have opened a history sheet in my name while I was studying law. I challenged the same before this Hon'ble High Court in W.P.No.14740 of 2015 and this Hon'ble High Court allowed the writ petition. Subsequent to that I enrolled myself as an Advocate. The Appellate filed the above writ appeal challenging the order passed in W.P.No.14740 of 2015. Pending appeal two more cases came to be registered as against me. One ended in acquittal and in another, trial is pending.

3. I submit that after enrolling myself as an Advocate, I have mended my ways and practising before this Hon'ble High Court regularly. I changed my locality and keeping myself away from the trouble mongers. I also unconditionally undertake before this Hon'ble Court that I will not indulge in any criminal activities or any community activities and I will be away from all sorts of troubles. I also undertake that if I fail in my above undertaking, the Appellate police can take any stringent action upon me and I will be abide by the same. Further if I fail in the above undertaking I may also be subjected to disciplinary proceeding by the Tamil Nadu Bar Council".

11. Admitted fact that till date, the respondent has not been convicted in any of the cases. It is also not their case that he is a habitual offender to open a history sheet.

12. Considering the submissions made on behalf of the respective parties and considering the undertaking given by the respondent, we are of the view that the respondent may be given an opportunity to mend his ways and choose a moral path and be a responsible citizen. However, it is made clear that in the event,



the respondent indulges himself in any of the crimes irrespective of the nature of crime, he cannot be pardoned and the same would be viewed very seriously. With the above warning, the appeal preferred by the State is dismissed confirming the order passed by the learned single Judge. The first respondent is directed to close the history sheet opened against the respondent, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Assistant Commissioner of Police,
Anna Nagar (L&O) Range,
Madurai City, Madurai.
2. The Inspector of Police,
Law and Order,
Pudur Police Station,
Madurai 7.

+1cc to Spl.Government Pleader Sr.No.85874

SMA

VB/RSK/SAR1/17.10.2018/4P/4C

Judgment made in
Writ Appeal (MD)No.1032 of 2015
19.09.2018