



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE C. SARAVANAN

W.A(MD).No.1622 of 2018 and
CMP(MD).No.11743 of 2018

Nagajothi : Appellant / Petitioner

-Vs-

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 9

2.The Director General of Police,
DGP office, Mylapore,
Dr.Radhakrishnan Salai,
Chennai-5

3.The Superintendent,
Central Prison, Madurai.

4.The Commissioner of Police,
Madurai City, Madurai.

5.The Inspector of Police,
Rajathani Police Station,
Theni District.

6.The Inspector of Police,
C-5, Karimedu Police Station,
Madurai City, Madurai.
(Crime No. 584 of 2017).

7.The Additional Director General of Police,
O/o the Additional Director General of Police,
Crime Branch Crime Investigation Department (CBCID),
No.220, Patheon Road, Egmore,
Chennai - 8

: Respondents

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in WP(MD). No.19678 of 2017, dated 19.06.2018.

Prayer in WP(MD).No. 19678/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondent No.1 to entrust the investigation from 6th Respondent to the 7th Respondent in Crime No. 584 of 2017 on the file of the Respondent No. 6 for a fair and impartial investigation and direct the 7th Respondent to file periodic reporting to this Hon' ble Court on the progress made in the investigation.

For Appellant : Mr. Henri Tiphagne

For Respondents : Mr. R. Sethuraman
Special Government Pleader

JUDGMENT

(Order of this Court was made by S.S. SUNDAR, J.,)

This Writ Appeal is preferred against the order passed by this Court in WP(MD).No.19678 of 2017, dated 19.06.2018.

2. Though this Court find on facts that investigation by CBCID could have been ordered, this intra Court appeal under Clause 15 of Letters Patent is not maintainable, as the order in the Writ Petition is passed in exercise of Criminal jurisdiction of this Court. Hence, this Writ Appeal is dismissed. However, the petitioner is given liberty to work out her remedy in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T & P)

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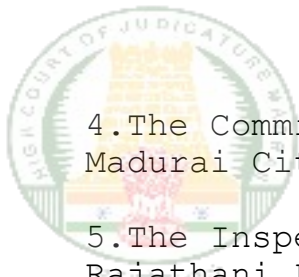
Sub Assistant Registrar

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 9

2.The Director General of Police,
DGP office, Mylapore,
Dr.Radhakrishnan Salai, Chennai-5

3.The Superintendant,
Central Prison, Madurai.



4.The Commissioner of Police,
Madurai City, Madurai.

5.The Inspector of Police,
Rajathani Police Station, Theni District.

6.The Inspector of Police,
C-5, Karimedu Police Station, Madurai City, Madurai.

7.The Additional Director General of Police,
O/o the Additional Director General of Police,
Crime Branch Crime Investigation Department (CBCID),
No.220, Patheon Road, Egmore,
Chennai - 8

+1. C.C. to M/S.K.KARUNANIDHI, Advocate SR.No. 98591
+1 cc to Special Government Pleader, SR.No. 98898

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