



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.19887 of 2017
and
WMP(MD)No.16158 of 2017

K.Shunmugam

... Petitioner

Vs.

1.The Deputy Inspector
General of Police,
Tirunelveli Range,
Tirunelveli District.

2.The Superintendent of Police,
District Police Office,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings in P.R.No.112/2017 dated 26.09.2017 under Rule 3 (b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules 1955 on the file of the respondent herein and quash the same.

For petitioner : M/s.P.Jessi Jeeva Priya

For respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as a Police Constable Grade-I. He was involved in a criminal case. On the same set of facts, the disciplinary authority has initiated departmental action against the petitioner.

3.The learned counsel appearing for the petitioner submits that if the departmental proceedings are conducted during the pendency of the criminal prosecution, the petitioner's right to fair defence in the criminal trial will be gravely prejudiced.

4.This submission is no doubt attractive. But, then citing the pendency of the criminal prosecution, departmental action cannot be



definitely put on hold. Therefore, in order to strike a balance, following directions are issued.

(i) The learned Judicial Magistrate, Tenkasi is directed to conclude the committal proceedings within a period of one month from today.

(ii) The Trial Court to which the criminal case is committed shall conclude the case within a period of 11 months thereafter.

(iii) The impugned disciplinary action shall be kept in abeyance for a period of one year from today. If the criminal prosecution does not conclude within a period of one year from today, the stay of the disciplinary action shall stand automatically vacated and the departmental action initiated against the petitioner can resume.

5. With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Sessions Judge, Tirunelveli.

2. The Judicial Magistrate, Tenkasi.

3. The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli District.

4. The Superintendent of Police, District Police Office,
Tirunelveli District.

+1CC to M/s. Jessi Jeeva Priya, Advocate, SR.No. 56154

+1CC to the Special Government Pleader SR.No. 55985

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AM/RSK/SAR 2/20.03.2018/2P/7C