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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.16523 of 2008

B.Purusothaman

..Petitioner

vs

1. Union of India,
Rep. by the Secretary to Government,
Home Department,
New Delhi.

2. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home Department,
Fort St. George, Chennai - 9.

3. The State of Tamil Nadu,
Rep. by Secretary to Government,
Department of Law,
Fort St. George, Chennai 9.

4. The Director General of Police,
Chennai 9.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the respondents 1 to 3 to take necessary steps to amend the Section 161 of Cr.P.C. to incorporate the deeming clause that the statement of accused shall necessarily be recorded only by the Magistrate based on the petitioner's representation dated 15.02.2008.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.J.Madanagopal, CGSC, for R1
Mr.A.N.Thambidurai, Spl.G.P.,
for RR2 to 4



ORDER

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Heard the learned counsel for the petitioner, learned Central Government Standing Counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 to 4.

2. According to the petitioner, he has been engaged in Transport Agency business and in the year 2007, the fourth respondent police illegally detained him under Act 14 of 1982. However, the Advisory Board, Chennai set aside the said detention order.

3. It is alleged by the petitioner that whenever the police arrests any accused, they themselves write a confession statement and by adopting third degree method obtain signature from the accused. When this was represented to a Magistrate at the time of remand, it is not taken on record and hence, Section 161 of the Criminal Procedure Code has to be amended.

4. On a perusal of the affidavit and representation, it is seen that the petitioner has only given a general statement and no specific incident has been given either in the affidavit or in the representation. Further, it is seen that there is no acknowledgment for sending the representation dated 15.02.2008 to the respondents.

5. Taking note of the above facts, in the considered opinion of this Court, the petitioner is not entitled for the relief sought for in this Writ Petition.

6. In that view of the matter, this Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



To

1. The Secretary to Government,
Union of India,
Home Department,
New Delhi.

2. The Secretary to Government,
The State of Tamil Nadu,
Home Department,
Fort St. George, Chennai - 9.

3. The Secretary to Government,
The State of Tamil Nadu,
Department of Law,
Fort St. George, Chennai 9.

4. The Director General of Police,
Chennai 9.

+1cc to the Government Pleader Sr.45828

+1cc to Mr.J.MadanagopalRao, Advocate Sr.45627

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jp[co]
srg 30/07/2019