



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Ninth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL MISCELLANEOUS PETITION No.4877 of 2019

IN CRL OP.17710/2016

H.VADIVUKARASI

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY,  
THE INSPECTOR OF POLICE  
R1, MAMBALAM POLICE STATION,  
T.NAGAR, CHENNAI-600 017.  
CRIME NO.719 OF 2016

[ RESPONDENT ]

This petition having been posted this day for being mentioned pursuant to the order of this Court dated 23/04/2019 and made herein and in the presence of M/S.S.P.SIVA PRADOSH, Advocate for the petitioner and of M/S. KRITIKA KAMAL P, Govt. Advocate ( Crl. Side) Government Advocate (Crl.Side) on behalf of the respondent, the Court made the following order:-

This matter is listed under the caption '**for being mentioned**' at the instance of the learned Government Advocate (Criminal Side) appearing for the Respondent/State.

2. It is represented by the learned Government Advocate (Criminal Side) that pursuant to the **order dated 23.04.2019** passed in the above Miscellaneous Petition, whereby, in paragraph 4, **it has been observed that disciplinary action has to be initiated against the erring Official, who is responsible for filing Charge Sheet**, a Memo has been issued to the erring Official concerned. In his reply, the erring Official has stated that, he has filed Charge Sheet in **C.C.No.1793/2019 on 23.04.2019**, and that, the matter is pending before the Criminal Court.

3. Taking note of the said submissions, **the observation made by this Court in paragraph 4 of the order dated 23.04.2019 in the above Miscellaneous Petition, as regards initiation of disciplinary action against the erring Official, stands deleted.**



4. Before parting with, this Court observes that, Police Officials must instruct the Public Prosecutors/Government Advocates (Criminal Side), in advance about the matters that are pending before them in various forums, more particularly, give written instructions in matters that are pending before this Court. The case on hand is one such incident, where, proper instructions have not been given by the Police Official concerned to the Government Advocate (Criminal Side), which made this Court to pass the aforesaid observation.

5. Police Officials, who provide assistance to Public Prosecutors/Government Advocates (Criminal Side) in hearing of cases pending before various forums, shall henceforth be vigilant, failing which, this Court will take serious view of the matter.

**6. Learned Government Advocate (Criminal Side) is expected to forward a copy of this order to the Director General of Police, Chennai and the Commissioner of Police, Chennai,** who shall issue a Circular with regard to the observations made in paragraphs 4 and 5 of this order, to all Police Departments coming under their purview in the State of Tamil Nadu.

7. The Director General of Police, Chennai and the Commissioner of Police, Chennai shall ensure that the Police Officials, who, besides Officers with honesty and integrity, must have sufficient knowledge about the case particulars and must be well-versed with the subject, are sent to Courts in order to render their assistance in matters, so that culprits will not escape from the clutches of law.

8. Except the above modification, remaining portion of the order dated 23.04.2019, holds good.

-sd/-  
09/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

