

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.O.P.No.27921 of 2019

Siva Kozhundu

...Petitioner

Vs.

1. State, rep, by
The Senior Superintendent of Police,
Puducherry,
Puducherry State.
2. The Sub- nspector of Police,
Thirubuvanam Police Station,
Puducherry State. ...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to pass an order of direction, directing the respondents to consider the representation of the petitioner dated 14.05.2018 in accordance with law and remove the name of the petitioner from the History Sheet mentioned in the second respondent Police Station to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.D.Bharathachakaravarthy
Public Prosecutor (Puducherry)

O R D E R

The grievance of the petitioner is that the history sheet has been opened in his name illegally and that owing to the subsequent antecedents, the name requires to be removed from the history sheet.

2. The decision to have the petitioner's name removed from the history sheet could fall within the purview of the Superintendent of Police and this Court, by exercising its power under Article 226 of the Constitution of India, cannot step into the shoes of the detaining authorities for the purpose of considering the petitioner's request for removal of name from the history sheet.

3. Nevertheless, if a direction is given to the concerned authority to consider the request for removal of the name from the history sheet, the ends of justice would be secured.

4. The learned counsel for the petitioner also relied upon a decision of this Court in W.P.No.1965 of 2018, etc., in the case of Sabari vs. Assistant Commissioner of Police, reported in 2018 LW (Cr1) 817. Yardstick has been given for consideration of such a request for removal of name in the history sheet. It would be appropriate that when the respondents consider such request for removal of the name, this yardstick can be applied.

5. In the light of the above observations, the petitioner is granted liberty to approach the 1st respondent/Superintendent of Police with a representation seeking for removal of his name from the history sheet maintained by the 2nd respondent police and on such a representation, the Superintendent of Police shall consider the same on its own merits and in accordance with law, as well as the observation made by this Court in this order and pass appropriate orders, preferably within a period of four weeks from the date of receipt of such representation.

6. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

sbn/vsn

To

1. The Senior Superintendent of Police,
Puducherry, Puducherry State.

2. The Sub- nspector of Police,
Thirubuvanam Police Station,
Puducherry State.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Sankarasubbu , Advocate SR.No. 87123

+1 cc to Public Prosecutor, Pondicherry Sr.No. 87580

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A.SK(20/11/2019)