

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.7588 of 2020

K. Thiruthanikachalam M/A 38
S/o Kaliaperumal

...Petitioner

Vs

1. State rep.by
The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch, Team-13
Vepery, Chennai-7
(Cr.No.156 of 2020)

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and set aside the impugned order dated 12.05.2020 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.71 of 2020 in Cr.No.156 of 2020 and stay further proceedings.

For Petitioner : Mr.S. Prabakaran
Senior Counsel for
Mr.R. Krishnakumar

For Respondent : Mr.A. Natarajan, Public Prosecutor
Assisted by Mrs.Krithiga Kamal
Government Advocate (Criminal Side)

ORDER

Challenge has been made against the Order of the Chief Metropolitan Magistrate granting police custody of the accused for 6 days.

2. The main contention of the learned Senior Counsel for the petitioner is that the alleged offences foisted against the petitioner has not been made out and confession statement of the accused has already been recorded before his remand. Further, the investigating Officer has filed an affidavit that he has already obtained confession of the accused in the presence of two independent witness. However, he sought police custody of the petitioner for 7 days. Since investigation is almost over,

granting police custody for 6 days is unwarranted. It is the further contention of the learned Senior Counsel that the petitioner himself is cooperating with the investigation and hence, custodial interrogation is unwarranted. Hence, prayed to set aside the Order passed by the learned Chief Metropolitan Magistrate.

3. The learned Public Prosecutor submitted that the petitioner has circulated false news in social media claiming that he has found medicine for COVID - 19. Besides, he had abused the State and Central Governments and World Health Organization and ridiculed the proceeding prescribed by the competent body. Therefore, he was booked for the offences under sections 188 of IPC read with Section 3 of the Epidemic Diseases Act, 505 (1) (b), 153A IPC and Section 54 of Disaster Management Act. Further, it is the contention of the learned Public Prosecutor that the petitioner did not even have requisite qualification to claim as Siddha Doctor and those aspects have to be enquired and custodial interrogation of the petitioner is absolutely necessary. He further submitted that the petitioner claimed that he has developed the medicine for COVID 19 and published the audio and video in public domain. Hence, it is contended that all these aspects have to be investigated only by custodial interrogation and the trial Court has granted police custody for six days and the same does not require any interference.

4. Having regard to all the above facts, when the police custody was given to unearth certain materials as to the allegations made by the petitioner about the herbal medicine and its authenticity, this Court is of the view that inherent jurisdiction of this Court under section 482 Cr.P.C. cannot be invoked. Sufficient safeguards have already been Ordered by the Magistrate in granting police custody for 6 days. In such view of the matter, granting police custody to unearth certain materials does not require any interference.

5. However, considering the nature of offences registered against the petitioner, 6 days police custody is too long. In such view of the matter, the 6 days period of police custody granted by the learned Chief Metropolitan Magistrate is reduced to 4 (four) days. After completion of interrogation and enquiry, as directed by the learned Chief Metropolitan Magistrate, the accused shall be produced before the Lower Court. After such conclusion of investigation, the bail application, if any, moved by the petitioner shall be considered by the concerned Court on merits, without being influenced by the observations made by this Court.

6. With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch, Team-13
Vepery, Chennai-7
2. The Chief Metropolitan Magistrate,
Egmore, Chennai 600008
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7588 of 2020

AD(CO)
RV(02/12/2020)