

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9587 of 2020
and WMP. No.11708 of 2020

K.E. Gnanavel Raja

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Kadampa Nagar, Ramanathapuram,
Tamil Nadu 623 503
2. The Superintendent of Police,
Ramanathapuram,
Tamil Nadu 623 504
3. The Additional Superintendent of Police,
Ramanathapuram,
Tamil Nadu 623 504.
4. The Deputy Superintendent of Police,
Ramanathapuram,
Tamil Nadu 623 504

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 19.07.2020, in taking into consideration of the present Covid-19 situation in Tamil Nadu.

For Petitioner : Mr.R.Vijayan Subramanian

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

This petition has been filed for a direction directing the respondents to consider the representation of the petitioner dated 19.07.2020.

2. The learned counsel for the petitioner would submit that the petitioner is a Film Producer and he is running a production Company named "Studio Green". While that being so, on a complaint lodged by one Thulasi Manigandan before the Inspector of Police, Ramanathapuram District, an FIR was registered in Crime No.347 of 2020 for offences under Section 406, 420, 294 (b), 506 (ii) IPC r/w. 109 IPC as against three accused persons. In this regard, the fourth respondent issued a notice dated 13.07.2020 under Section 41(A) Cr.P.C. for enquiry, thereby, directing the petitioner to appear for investigation in Crime No.347 of 2020 on 24.07.2020 in the office of the fourth respondent herein. Due to Covid-19 pandemic, there is an order of lock down and as such, the petitioner could not able to move from Chennai to Ramanathapuram to appear before the fourth respondent. He further submitted that even according to the case of the prosecution, the petitioner is not an accused in Crime No.347 of 2020 on the file of the Inspector of Police, Ramanathapuram Bazar Police Station. Therefore, he may be permitted to appear through video conference to attend the enquiry, which is to be conducted by the fourth respondent on 24.07.2020.

3. The learned Additional Public Prosecutor submitted that though the petitioner name is not found in the FIR, the petitioner and other named accused conspired together and cheated the de-facto complainant to the tune of very huge amount, in this regard, the petitioner's personal appearance is very much required for interrogation. As such, the fourth respondent issued notice under Section 41-A Cr.P.C. for enquiry. Though there is lock down, the petitioner can very well seek for e-pass and appear before the fourth respondent for investigation. Therefore, he sought for dismissal of this petition.

4. Heard the learned counsels appearing on either side.

5. On perusal of records, it shows that by the notice dated 13.07.2020, the petitioner was called for to appear before the fourth respondent for enquiry, which is to be held on 24.07.2020, in pursuant to the Crime No.347 of 2020 registered for the offence under Sections 406, 420, 294 (b), 506(ii) IPC r/w. 109 IPC as against the three accused persons. Due to Covid-19, there is a lock down and as such the petitioner could not able to get e-pass immediately to attend the enquiry at Ramanathapuram. Therefore, the learned counsel for the petitioner sought to extend further time to attend the enquiry.

6. Considering the above facts and circumstances of the case, the petitioner need not appear before the fourth

respondent on 24.07.2020, instead of that, the petitioner is directed to appear before the fourth respondent on 07.08.2020, without any further notice under Section 41-A of Cr.P.C. from the fourth respondent and without fail. If the petitioner fails to appear before the fourth respondent on 07.08.2020, the fourth respondent is directed to proceed in accordance with law.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs

To

1. The Deputy Inspector General of Police,
Kadampa Nagar, Ramanathapuram,
Tamil Nadu 623 503
2. The Superintendent of Police,
Ramanathapuram,
Tamil Nadu 623 504
3. The Additional Superintendent of Police,
Ramanathapuram,
Tamil Nadu 623 504.
4. The Deputy Superintendent of Police,
Ramanathapuram,
Tamil Nadu 623 504
5. The Public Prosecutor,
High Court, Madras.

WEB COPY

W.P.No.9587 of 2020
and WMP.No.11708 of 2020

MG (CO)
GS (06/08/2020)