

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9846 of 2020

Jothi Basu
S/o Govindaraju,
No. 4/186, South Street,
Puthu Uchimedu Village & Post,
Kallakurichi Taluk,
Kallakurichi District

...Petitioner

Vs.

1. The District Collector,
Kallakurichi District.

2. The Superintendent of Police,
Kallakurichi District,
Kallakuruchi.

3. The Sub-Inspector of Police,
Varanjaram Police Station,
Kallkurichi District.

4. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the second respondent to act as per the proceedings issued by the first respondent in Vo.Mu.Si.1/724/2020 dated 03.02.2020.

For Petitioner : Mr. K.C.Karl Marx

For Respondents : Mr.S.Karthikeyan,
Additional Public Prosecutor for
RR2 to 4
M/s.Elumalai, Government Advocate
for R1.

ORDER

This petition has been filed seeking direction, directing the the second respondent to act as per the proceedings of the first respondent dated 03.02.2020.

2. The learned counsel for the petitioner submitted that on 17.01.2020, the petitioner and his brother were taken by the respondents 3 and 4 herein. Thereafter, the case was registered in Cr.No.9 of 2020 for the offences under Sections 294 (b), 353, 427 and 506 (ii) of IPC and the petitioner and his brother were remanded to judicial custody. Before remanding to judicial custody, they were harassed and tortured by the police officials. In fact, they were also taken to Government Hospital on 19.01.2020, subsequently on 24.01.2020 they were released on bail and taken proper treatment. In this regard, petitioner sent a detailed complaint to the second respondent herein and also to the first respondent and on receipt of the same the third respondent was directed to take appropriate action for the custodial harassment by the erring police officials by communication dated 03.02.2020, even before receipt of the same, the third respondent did not take any action on the direction issued by the second respondent and he simply kept the communication from the first respondent and did not take any action as against erring police officials.

3. The Learned Additional Public Prosecutor submitted that on receipt of the communication dated 03.02.2020 from the first respondent and he is taking steps and conduct enquiry on the custodial torture and therefore, the enquiry is pending as against the erring police officials. He further submitted that concerned officers and their family members suffered from Covid - 19 as such, he could not able to complete the enquiry.

4. Considering the submissions made by the learned counsel for the petitioner and learned Additional Public Prosecutor, it is seen that on the torture and harassment given by the police officials to the petitioner, the petitioner lodged a complaint dated 29.01.2020 before the first and second respondent herein on receipt of the same the first respondent has given a direction to the second respondent to take appropriate action as against the erring police officials by communication dated 03.02.2020. Now it is pending on the file of the second respondent.

5. Considering the above, the second respondent is directed to conduct proper enquiry against the erring police officials as directed by the first respondent by communication Vo.Mu.Si.1/724/2020 dated 03.02.2020 within a period of twelve weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above observation and direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dh

To

1. The District Collector,
Kallakurichi District.
 2. The Superintendent of Police,
Kallakurichi District,
Kallakuruchi.
 3. The Sub-Inspector of Police,
Varanjaram Police Station,
Kallkurichi District.
 4. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
 5. The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.Karl Marx, Advocate, S.R.No.25433

W.P.No. 9846 of 2020

NAS (CO)
KKV/25/08/2020

सत्यमेव जयते

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