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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.2486 of 2021

P.Santhosh Kumar

...Petitioner

Vs

1.The Bar Council of Tamil Nadu and Puducherry,
Rep. by its Secretary,
High Court Campus,
Chennai - 600 104.

2.The Inspector of Police,
T-8 Muthapudupet Police Station,
Ambattur,
Chennai - 600 055.

(R2 Suo motu impleaded vide order dated 11.03.2021
in W.P.No.2486 of 2021)

... Respondent

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of Writ of Mandamus,
directing the Respondent to enroll the Petitioner as an Advocate
on the rolls of the Bar Council of Tamil Nadu and Puducherry,
within a time frame fixed by this Court.

For Petitioner :Mr.S.Sathia Chandran.

For Respondent :Mr.C.K.Chandrasekaran for R1.

Mr.L.Charles Premkumar,
Government Advocate (Crl.) for R2.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioner, who claimed to have completed Law Degree in
the Tamil Nadu Dr.Ambedkar Law University in the year 2013, has
unsuccessfully moved the Bar Council of Tamil Nadu and
Puducherry for his enrollment and therefore, he has come before
this Court.



2. Heard Mr.Sathia Chandran, Learned Counsel for the Petitioner and Mr.C.K.Chandrasekaran, Learned Counsel for the First Respondent and Mr.L.Charles Premkumar, Learned Government Advocate (Criminal) for the Second Respondent.

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3. Since the enrollment of the Petitioner is denied because of the case registered against the Petitioner in Crime No.388 of 2014 on the file of T-8 Muthapudupet Police Station, Ambattur, Chennai, it is appropriate to implead the said Police Station as a party to the proceedings. Hence, this Court *suo motu* impleads,

"The Inspector of Police,
T-8 Muthapudupet Police Station,
Ambattur, Chennai - 600 055."

as Respondent to the proceedings. Mr. L.Charles Premkumar, Learned Government Advocate (Criminal) takes notice on behalf of the newly impleaded Respondent.

4. It is evident from the records that the Petitioner completed law degree in the year 2013 at the Tamil Nadu Dr.Ambedkar Law University. Though he has submitted his application on 08.07.2014 for enrollment, because of the pendency of the criminal case registered against him in Crime No.388 of 2014 on the file of T-8 Muthapudupet Police Station, Ambattur, Chennai due to a petty wordy quarrel between him and some of his relatives, the Bar Council of Tamil Nadu and Puducherry did not enroll him as an Advocate.

5. Though the dispute is between two groups, on the police complaint given by the opposite group, charge sheet has been filed and the same was taken on file by the Learned Judicial Magistrate, Ambattur in C.C.No.326 of 2013, whereas no charge sheet has been filed based on the criminal complaint given by the Petitioner in Crime No.223 of 2013.

6. Be that as it may, after the trial, the Criminal Court, viz., the Learned Judicial Magistrate Court, Ambattur, acquitted the Petitioner and others in C.C. No. 326 of 2013 by Judgment dated 26.06.2019 holding that the offences alleged against the Petitioner and others have not been proved beyond doubt.

7. This Court perused the Judgment of the Criminal Court and also the materials placed before this Court. It is seen that the criminal case itself, is based on the dispute between two groups in a same village. Even otherwise, the Petitioner has been acquitted in the criminal case registered against him. Therefore, there cannot be any bar for the Respondent / Bar Council of Tamil Nadu and Puducherry to enroll the Petitioner as an Advocate.



8.Hence, this Court directs the Respondent / Bar Council of Tamil Nadu and Puducherry to take note of the Judgment dated 26.06.2019 passed in C.C. No. 326 of 2013 by the Learned Judicial Magistrate, Ambattur and consider his application for enrollment within a period of four weeks from the date of receipt of a copy of this order.

9.With the above directions, this Writ Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Secretary,
The Bar Council of Tamil Nadu and Puducherry,
High Court Campus,
Chennai - 600 104.
- 3.The Inspector of Police,
T-8 Muthapudupet Police Station,
Ambattur,
Chennai - 600 055.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.15750

W.P.No.2486 of 2021

PMK(CO)
KM(20/04/2021)