



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.16879 OF 2021

J.Alex

... Petitioner

Versus

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Director General of Police,
DGP Office,
Kamarajar Salai, Mylapore,
Chennai 600 004.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
5. The Inspector of Police,
Kadpadi Police Station,
Vellore District.
6. The Inspector of Police,
Ponnai Police Station,
Vellore District.
7. The Inspector of Police,
Thiruvalam Police Station,
Vellore District.
8. Parthasarathi,
The Inspector of Police,
Now working in the
Thiruvannamalai Town Police Station,
Thiruvannamalai.
9. Pugazh,
The Inspector of Police,



Kadpadi Police Station,
Kadpadi, Vellore District.

10. The Superintendent of Prison,
Central Prison, Vellore-2.

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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing respondents 1 and 7 to consider the representation of the petitioner dated 19.06.2021 in accordance with law and further directing the respondents to avoid the petitioner's "Gate Arrest".

For Petitioner : Mr.P.Pugalenthir

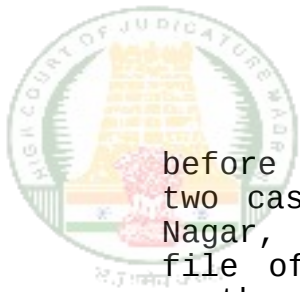
For R1 to R7 & R10 : Mr.A.Damodaran,
Government Advocate
(CrI. Side)

ORDER

This Writ Petition has been filed to direct the respondents 1 and 7 to consider the representation of the petitioner, dated 19.06.2021 in accordance with law and further direct the respondents to avoid the petitioner's "Gate Arrest".

2.The petitioner had sent a representation, dated 19.06.2021 to the respondents 1 to 7. Since no action taken, he has filed the above Writ Petition.

3.The learned counsel for the petitioner submitted that the petitioner is the under trial prisoner and, is confined in Central Prison, Vellore. Since the petitioner made a complaint against the 8th respondent, a departmental enquiry is going on against him. Due to which, the 8th respondent enigmatically to justify that the petitioner is a habitual offender, foisted a false case against him through his colleagues. Initially, the petitioner was arrested in Crime No.1 of 2014 by the Inspector of Police, CBCID Police, Krishnagiri and he remanded to prison. Thereafter, he was arrested on 26.08.2014 for another case by the 8th respondent. During interrogation, the petitioner was brutally beaten and further, a news was spread as though the petitioner was affected by HIV virus. On 25.10.2019, when he came out from the Central Prison, Vellore, the 5th respondent/Inspector of Police, Katpadi Police Station, Vellore had arrested the petitioner in front of the prison gate and he was beaten very badly with iron rod and later, admitted in the Government Hospital, Vellore. On 06.11.2020, the petitioner came out from the prison, again he was taken into custody for yet another case. On 08.11.2020, the petitioner was produced



before the learned Judicial Magistrate, Katpadi and remanded in two cases in Crime No.1056 of 2020 on the file of the Ponnai Nagar, Police Station, Vellore and Crime No.1746 of 2020 on the file of the Thiruvalam Police Station, Vellore. After eight months, the petitioner obtained bail from these cases, but he was unable to release from the Central Prison, Vellore. If he come out from the prison, he will be arrested by the Vellore District Police. Hence, he seeks direction restraining the Vellore District Police not to do gate arrest.

4.The learned Government Advocate (Crl. Side) appearing on behalf of the respondents 1 to 7 submitted that it is very clear the petitioner involved in several cases in Vellore District Police. The petitioner is involved in six cases and to escape from these cases, he is making allegations against the Police officials, who registered cases against him as though false case has been foisted. Whenever the petitioner arrested and produced before the learned Magistrate for remand, he was making allegations against the Police officials. Initially, the petitioner did not make any complaint and later, the petitioner gaining experience and getting conversant, started making allegations before the remanding Magistrate during remand as though gate arrest was made. Hence, he prayed for dismissal of the above Writ Petition.

5.This Court considered the rival submissions and perused the materials available on record.

6.It is seen that the petitioner is involved in several cases in and around Vellore District and is making allegations against the Police officials, who registered the cases against him.

7.It could be seen that no gate arrest was done by the Police officials. As and when, the petitioner was arrested, he was produced before the concerned Magistrate for remand.

8.In view of the above, this Court is not inclined to entertain this Writ Petition and the same is liable to be dismissed and, is dismissed. The petitioner is free to make complaint before the concerned Magistrate about any cases or illegality if any committed by the Vellore Police when he is produced for remand. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Director General of Police,
DGP Office,
Kamarajar Salai, Mylapore,
Chennai 600 004.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Inspector of Police,
Virinchipuram Police Station,
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Vellore District.
6. The Inspector of Police,
Ponnai Police Station,
Vellore District.
7. The Inspector of Police,
Thiruvalam Police Station,
Vellore District.
8. The Superintendent of Prison,
Central Prison, Vellore-2.
9. The Public Prosecutor,
High Court, Madras.

W.P.No.16879 of 2021

SR-II(CO)
RLP(01/11/2021)