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W.A(MD)No.1529 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A(MD)No.1529 of 2021

Rameshkumar

... Appellant / Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Deputy Superintendent of Police,
CBCID, Kanyakumari District,
Nagercoil.

3.Sridhar

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 02.12.2020 made in W.P(MD)No.20650 of 2017 on the file of this Court.

Prayer in WP(MD). 20650/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus to direct the 2nd respondent to investigate the matter and to take appropriate action as against the 3rd respondent on the basis of the representation given by the petitioners wife on 22.02.2017.

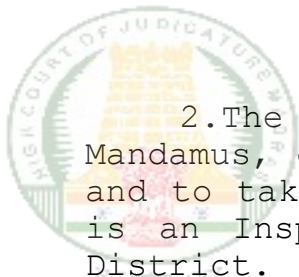
For Appellant : Mr.S.Muniyandi

For RR 1 & 2 : Mr.B.Saravanan
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by
M.DURAI SWAMY, J.)

Challenging the order, dated 02.12.2020, passed in W.P(MD) No.20650 of 2017, the writ petitioner has filed the above Writ Appeal.



2.The appellant filed the Writ Petition to issue a Writ of Mandamus, directing the second respondent to investigate the matter and to take appropriate action as against the third respondent, who is an Inspector of Police, Pudukadai Police Station, Kanyakumari District.

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3.When the Writ Petition came up for hearing before the learned Single Judge, the learned Government Advocate (Criminal Side) filed a counter-affidavit stating that the petitioner is an accused in Crime No.63 of 2017 on the file of the Pudukadai Police Station for the offences under Section 8(c) r/w 20(B)(ii)(b) of NDPS Act. Subsequently, the third respondent has completed the investigation and also filed a final report and the same has been taken cognizance in C.C.No.275 of 2017 on the file of the E.C Court, Madurai for the said offences. Further, the criminal case is pending for trial. Though the appellant contended that he was illegally detained by the police officials, in the counter-affidavit filed by the learned Government Advocate (Criminal Side), it was made clear that the appellant was arrested and remanded to judicial custody in Crime No.63 of 2017 and the same is pending for trial in C.C.No.275 of 2017 on the file of the E.C. Court, Madurai. Therefore, the detention of the appellant cannot be termed as illegal.

4.Recording the same, the learned Single Judge has rightly dismissed the Writ Petition. We do not find any ground to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Superintendent of Police,
CBCID, Kanyakumari District,
Nagercoil.

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