



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P.(MD)Nos.18654 & 18655 of 2021

WEB COPY

Malaiappan

...Petitioner in
W.P(MD) No.18654 of 2021

Karuppaiah

...Petitioner in
W.P(MD) No.18655 of 2021

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Sathur Town,
Virudhunagar District.

4.The Inspector of Police,
Keelarajakularaman Police Station,
Keelarajakularaman,
Rajapalayam Taluk,
Virudhunagar District.

...Respondents in both WPs.

PRAYER: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the petitioners' name from the History Sheet opened in History Sheet Nos.310 & 311 of 2002, on the file of the fourth respondent office within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor.
(In both Writ Petitions)

C O M M O N O R D E R

These Writ Petitions have been filed seeking Writ of Mandamus, to direct the respondents to remove the petitioners' name from the History Sheet opened in History Sheet Nos.310 & 311 of 2002, on the file of the fourth respondent office within a stipulated time that may be fixed by this Court.



2.The case of the petitioner in W.P(MD) No.18654 of 2021 is that the petitioner was arrayed as third accused in Crime No.71 of 1999, on the file of hte fourth respondent, for the offences punishable under Sections 307, 323, & 325 IPC. Later the case was tried in S.C.No.76 of 2000, before the Assistant Sessions Judge, Srivilliputhur and he was convicted only for the offence under Section 323 IPC and directed to pay a fine of Rs.500/- In respect of other charges under Section 307 and 325 IPC, he was acquitted. However, History Sheet was opened against him and periodically extended without following proper procedure as set out in PSO. Hence, he sent representation on 18.01.2021 and the same was not considered so far.

2.1. The case of the petitioner in W.P(MD) No.18655 of 2021 is that the petitioner was arrayed as fourth accused in Crime No.71 of 1999, on the file of hte fourth respondent, for the offences punishable under Sections 307, 323, & 325 IPC. Later the case was tried in S.C.No.76 of 2000, before the Assistant Sessions Judge, Srivilliputhur and he was convicted only for the offence under Section 325 IPC and directed to pay a fine of Rs.2000/- and sentenced to undergo simple imprisonment for a period of six months. In respect of other charges, he was acquitted. However, History Sheet was opened against him and periodically extended without following proper procedure as set out in PSO. Hence, he sent representation on 27.09.2021 and the same was not considered so far.

3.Seeking removal of their names from the respective History Sheets, these petitions have been filed.

4.The learned Additional Public Prosecutor would submit that sicne the representations of the petitioners have been received and kept pending, the same shall be considered based on the order/direction of this Court.

5.Considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioners dated 18.01.2021 & 27.09.2021, and pass orders on merits, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, these Writ Petitions are disposed of. No costs.

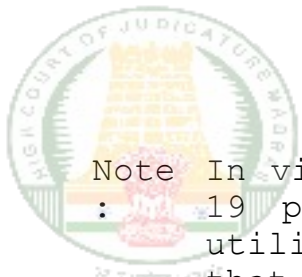
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Sathur Town,
Virudhunagar District.
- 4.The Inspector of Police,
Keelarajakularaman Police Station,
Keelarajakularaman,
Rajapalayam Taluk,
Virudhunagar District.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-32198[F] dated 22/10/2021)

W.P. (MD)Nos.18654 & 18655 of 2021
21.10.2021

MGJ/UV(09.11.2021) 3P 6C