



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.11492 of 2014

and

M.P. (MD) .No.1 of 2014

WEB COPY

A.Ravichandran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Home Department,
Chennai - 600 009.

2.The Director General of Police,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

4.The Deputy Commissioner of Police (L&O),
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent in connection with the impugned order of dismissal passed by him in P.R.51/04 dated 18.04.2005 and consequential rejection of appeal, review and further appeal by the respondents 3, 2 and 1 respectively in their proceedings in C.No.K3/Appeal-16/2005, Rc.No.051786/A.P.2(1)/2006 and G.O.(2D).No.369 Home (Police - VI) Department dated 27.05.2005, 08.03.2006 and 29.07.2013 respectively and quash all and consequently direct the respondents to reinstate the petitioner in service with all service and monetary benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order of dismissal and consequential rejection of appeal, review orders dated 18.04.2005, 27.05.2005, 08.03.2006 and 29.07.2013 respectively. The



petitioner is seeking direction to the respondents to reinstate in service and grant service and monetary benefits.

2. It is seen that the review authority has not considered the acquittal order passed by the High Court in the Criminal Appeal. While considering the review application, the review authority has summarily rejected on the ground that the review petition is time bar.

3. It has been stated in the para 25 of the judgment in Criminal Appeal that there is discrepancy in the purity of gold and the recovery is not proper and the relevant portion is extracted here under:

"The Investigating Officer would admit that he had recovered a gold bar of 455.750 gms and D.W.12, the Head Clerk of the Magistrate Court would state that the ingots produced before the Court were of only 15 carot and 10 carot and none of the ingots or the jewels are 24 carot or 22 carot. It is unbelievable that P.W.S1 and 7 were travelling gold bars of 15 carot and 10 carot. Therefore, there is an element of doubt in the recovery of M.O.15 from A.15. D.Ws.7 and 8 would categorically state that A.15 was taken to Police Station on 6.4.2004 and they gave a telegram to the higher officials and only on 09.04.2004 a formal arrest was made. Therefore, the benefit of doubt has to be given to A.15, who is the appellant in Cr1.Appeal No.179 of 2007".

4. Therefore, this Court deems it fit to remit back the case to the second respondent to consider the petitioner's review application on merits by considering the acquittal order passed by the High Court in Cr1.A.No.197 of 2007 dated 22.10.2010. The review application shall be considered within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

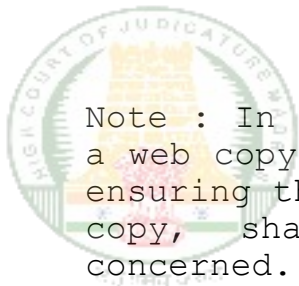
Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

Nsr



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.

WEB COPY

- To
- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home Department,
Chennai - 600 009.
 - 2.The Director General of Police,
Mylapore,
Chennai - 600 004.
 - 3.The Commissioner of Police,
Tirunelveli City, Tirunelveli.
 - 4.The Deputy Commissioner of Police (L&O),
Tirunelveli City, Tirunelveli.

+1 CC to M/s.SPL GP (SR-12198[F] dated 15/03/2022)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12310[F] dated 15/03/2022)

W.P. (MD) .No.11492 of 2014
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RD(01.04.2022) 3P 7C