

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.09.2022**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.18275 of 2014

and

M.P.(MD)Nos.1 & 2 of 2014

Edward Kennedy

... Petitioner

/Vs./

- 1.The Home Secretary,
Secretariat, Chennai.
- 2.The District Collector,
Kanyakumari District, Nagercoil.
- 3.The Inspector General Of Police,
South Zone, Madurai.
- 4.The Superintendent Of Police,
Kanyakumari District, Nagercoil.
- 5.The Revenue Divisional Officer,
Kanyakumari District, Nagercoil.
- 6.The Inspector of Police,
Rajakamangalam Police Station, Kanyakumari District.
- 7.Sudhakar,
Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 5 to initiate appropriate action against the 7th respondent for his act of inflicting mental agony, false arrest, brutal assault, custodial torture and deprivation of fundamental rights inflicted on the petitioner at the 6th respondent police station on 02.11.2014.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

(For R1 to R6)

: No appearance (For R7)

ORDER

This Writ Petition was filed seeking for taking action against the seventh respondent on the ground that the seventh respondent acted illegally against the petitioner in the police station and assaulted and tortured the petitioner, while in custody.

2.Heard Mr.P.T.Ramesh Raja, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 to 6.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the official respondents brought to the notice of this Court the Judgment passed in STC.No.404 of 2014 by the learned Judicial Magistrate No.I, Nagercoil, dated 06.09.2016.

4. It is seen from this Judgment that based on the FIR registered by the sixth respondent in Crime No.404 of 2014, a final report was filed for the offence under Section 75 of the Tamil Nadu City Police Act, 1888. After trial, the learned Judicial Magistrate No.I, Nagercoil, found that the police failed to prove the case against the petitioner beyond reasonable doubt and hence, benefit of doubt was given in favour of the petitioner and the petitioner was acquitted in the case.

5. In view of the above, no further orders can be passed in this writ petition. Accordingly, the same is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.09.2022

Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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To:

- 1.The Home Secretary,
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- 2.The District Collector,
Kanyakumari District, Nagercoil.
- 3.The Inspector General Of Police,
South Zone, Madurai.
- 4.The Superintendent Of Police,
Kanyakumari District, Nagercoil.
- 5.The Revenue Divisional Officer,
Kanyakumari District, Nagercoil.
- 6.The Inspector of Police,
Rajakamangalam Police Station, Kanyakumari District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.18275 of 2014

Dated:
12.09.2022