



Rev.Aplw.No.79 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

**Review Petition.No.79 of 2023
in W.P.No.25922 of 2021**

M.S.Kumaresan

... Petitioner

Vs.

1.The District Collector,
Ranipet District.

2.The Superintendent of Police,
Vellore District.

3.The Inspector of Police,
DCB Police Station,
Vellore District.

4.Dharmichand

... Respondents

Prayer : Review Petition filed under Order 47 Rule 1 and 2 read with Section 114 of Civil Procedure Code to review the order dated 25.01.2022 in W.P.No.25922 of 2021.

For Petitioner : Ms.Reshmi Christy
For R1 to R3 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This review petition is filed by the petitioner who earlier filed W.P.No.25922 of 2021 seeking for a direction to consider the petitioner's representation dated 26.07.2021 and 15.10.2021.

2.During the course of hearing in W.P.No.25922 of 2021, the learned Additional Public Prosecutor had stated as follows:

“3.The learned Additional Public Prosecutor submits that the petitioner is not an innocent person and he is involved in job racketing. The petitioner by giving false promise to several persons to secure jobs in the Judiciary as well as the Forest Department, cheated amount to the tune of Rs.4.67 Crores. Hence, a case has been registered against him in Crime No.21 of 2021 for the offence under Sections 406, 465, 468, 471, 420 and 506(ii) of IPC. He further submits that the petitioner has got personal enmity with the said AGS Jewellers, Dharmachand and his family, hence, he made the complaint.”

In view of the above, this Court finding that the petitioner had not come with clean hands who himself got involved in job racketing case was



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not inclined to entertain the writ petition and dismissed the same on 25.01.2022.

3.Learned counsel for the petitioner submits that this review petition is filed on the ground that one Kumaresan whose name is referred in Crime No.21 of 2021 is not the petitioner. Further, the person referred in Crime No.21 of 2021 is one C.S.K.Kumaresan of Ranipet District and the petitioner is M.S.Kumaresan, S/o.M.R.Saravana Achari, No.104, 1st Main Road, Devi Nagar, Arcot – 632 503. She further submits that due to the false submission made by the learned Additional Public Prosecutor an error apparent on the face of the record has been committed and hence, the present review petition is filed.

4.Learned Additional Public Prosecutor filed a report of the Inspector of Police, District Crime Branch, Vellore District, in which in paragraph No.4 it is stated as follows:

“4.It is respectfully submitted that the review petitioner is not involved in District Crime Branch, Vellore, Cr.No.21 of 2021, by mistake the then Investigation Officer



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had instructed the Additional Public Prosecutor as the names are similar.”

5.Considering the above, it is now found that the petitioner M.S.Kumaresan and C.S.K.Kumaresan referred in Crime No.21 of 2021 are not one and the same and the submission made by the learned Additional Public Prosecutor is factually incorrect. In view of the same, paragraph No.3 of the order in W.P.No.25922 of 2021 is hereby deleted. The representations given the petitioner dated 26.07.2021 and 15.10.2021 is that the petitioner was having some business dealing with one A.G.S. Jewellers, its Proprietor Dharmichand, his wife Indira and son Ajay were involved in several cases of misappropriation, cheating and taking away the properties of innocent people and hence giving the case particulars against them, the petitioner had addressed the representations to the Inspector of Police, North Zone, Chennai and to the District Collector, Ranipet to detain the said Dharmichand, his wife Indira and his sons Ajay and Deepak as Goondas. Detaining a person under preventive detention is a prerogative right of the Sponsoring Authority/Detaining Authority and the State has got its own procedure and mechanism in detaining a person under Goondas Act. The



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detention order cannot be passed on the representation of a private individual. In view of the same, this Court cannot direct to entertain the petitioner's representations dated 26.07.2021 and 15.10.2021 and hence, this Court is not inclined to entertain this petition.

6.In sum and substance, the description of the petitioner in Crime No.21 of 2021 alone is corrected and the order in W.P.No.25922 of 2021 remains unaltered in all other aspects. According the review petition stands closed.

27.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse



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M.NIRMAL KUMAR, J.

cse

To

- 1.The District Collector,
Ranipet District.
- 2.The Superintendent of Police,
Vellore District.
- 3.The Inspector of Police,
DCB Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.

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