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W.P.No.24898 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24898 of 2023

A.Anandan

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Petitioner

Vs

1. The Director General of Police,
Puducherry – 605 001.

2. The Senior Superintendent of Police,
Law and Order,
Orleanpet, Puducherry – 605 005.

3. The Superintendent of Police (West)
Law and Order,
Villiyannur, Puducherry UT – 605 110.

4. A. Rajasekaran

....

Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus, directing the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 08.08.2023 within a stipulated point of time, fixing a time frame of one week and take suitable disciplinary and penal action against the 4th respondent.

For Petitioner : Mr.M.Gnanasekar

For R1 to R3 : Mr.K.S.Mohanraj
Public Prosecutor (Pondy)



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ORDER

This Writ Petition has been filed for direction directing the respondents 1 to 3 herein to dispose of the petitioner's representation dated 08.08.2023 within a stipulated time.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor (Pondy) appearing for the respondents 1 to 3 and perused the materials available on record.

3. A perusal of the representation revealed that the petitioner was arrested and remanded to police custody pursuant to the registration of the FIR in Crime No.109 of 2023 on 28.07.2023. While, he was in police custody, he was man handled by the fourth respondent. Therefore, he sustained injuries all over his body. While remanding, he also informed the concerned Divisional Magistrate about the man handling incident. Without considering the injuries sustained by the petitioner, he remanded. While he was in custody, his wife also made representation to the Higher Officers to take appropriate action against the fourth respondent immediately and the petitioner also made representation. However, his representation was not considered by the respondents 1 to 3



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herein.

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4. The learned Public Prosecutor (Pondy) appearing for the respondents 1 to 3 submitted that the petitioner is a habitual offender. Pursuant to the registration of the FIR in Crime No.109 of 2023 for the offences under Section 12 of The Pondicherry Gaming Act, 1965, 353 and 506(ii) of IPC, the petitioner was arrested and remanded to judicial custody. Though the petitioner stated before the Magistrate that the fourth respondent had man handled him, all injuries shown by him are treated as old one, the Magistrate categorically recorded that on perusal of medical certificate issued by the Government Hospital, it was ascertained that there is only old abrasions on the accused and therefore, he was found to be fit for remand. Thereafter, he was granted bail on 04.08.2023. Thereafter, he went to hospital and produced the medical certificate. That apart, the petitioner was involved the following cases so far :

<i>Sl.No</i>	<i>Cr.No</i>	<i>Section of Law</i>	<i>Stage of the case</i>
1.	34/2021	294(b), 427, 506(ii) IPC r/w 34 IPC dated 08.04.2021	The case was charged on 14.06.2021 vide Charge Sheet No.56/2021
2.	80/2021	U/s.12 of Pondicherry Gaming Act 1965, dated 14.08.2021	The case was charged on 20.08.2021 vide Charge Sheet No.70-A/2021
3.	157/2022	U/s.12 of Pondicherry Gaming Act 1965, dated	The case was charged on 15.12.2022 vide Charge



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<i>Sl.No</i>	<i>Cr.No</i>	<i>Section of Law</i>	<i>Stage of the case</i>
		14.12.2022	Sheet No.175/2022
4.	58/2023	U/s.294(b), 323, 324, 506(ii) IPC r/w 34 IPC, dated 09.05.2023 of Thirubuvana Police Station, Puducherry	The case is under investigation.

5. Thus, it is clear that the petitioner is a habitual offender and the history sheet was initiated on 07.08.2023 by the fourth respondent. Therefore, in order to distract the investigation, the present writ petition has been filed.

6. In view of the above, this writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stand dismissed. There shall be no order as to costs.

28.08.2023

Internet : Yes
Index : Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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