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W.P.No.33558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.33558 of 2023

T.Shyam Sundar

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned order passed by the 1st respondent in R.O.No.294/2022 C.No.B2/2027/2022 dated 21.09.2022 and the impugned order passed by the 2nd respondent D.No.883/2022 C.No.D3/E-3204644/2022 dated 21.09.2022 and the subsequent rejection order passed by the 1st respondent in C.No.B2/2027/2022 dated 25.03.2023 and to quash the same and direct the respondent to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.C.Jayaprakash
Government Advocate



W.P.No.33558 of 2023

ORDER

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This writ petition is filed challenging the orders dated 21.09.2022 and 25.03.2023, whereby the petitioner is suspended and thereafter, the suspension not revoked.

2. The case of the petitioner is that the petitioner is implicated in a criminal case in Crime No.08/2022 on the file of the Vigilance & Anti Corruption, Cuddalore and the petitioner was arrested on 19.09.2022. The criminal case is not yet over and the trial is not yet commenced, the petitioner is languishing in prolonged suspension. The petitioner, therefore made representation to the respondents to reconsider and revoke the same. The respondents have not considered and passed appropriate orders revoking the suspension, the petitioner has filed this writ petition.

3. Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner and Mr.C.Jayaprakash, learned Government Advocate appearing for the respondents.



W.P.No.33558 of 2023

WEB COPY

4. Learned counsel appearing for the petitioner would submit that now the charge sheet has been filed and the next date of hearing is 21.06.2024. Therefore, it can take further time to complete the trial. In similar circumstances, this Court in W.P.No.10494 of 2020 and W.P.No.23014 of 2021, while directing the trial to complete within the specific period had also ordered reinstatement in the meanwhile. He would submit that similar order can also be passed in the instance case also.

5. *Per contra*, Mr.C.Jayaprakash, learned Government Advocate appearing for the respondents would submit that the petitioner was caught red handed and accordingly, he was arrested and remanded to custody. Thereafter, investigation is completed and the charge sheet is filed and the matter is now pending before the Chief Judicial Magistrate, Cuddalore in Spl.C.C.No.8 of 2023. Now summons have been issued for examination of L.W.1 and the trial will commence. Totally 16 witnesses have to be examined in this case.

6. I have considered the rival submission made on either side and



W.P.No.33558 of 2023

have perused the materials placed before this Court.

WEB COPY

7. Considering the nature of allegations, date of suspension and the fact that already a charge sheet has been filed and the matter is ready for trial and the L.W.1 is now sought to be examined on 23.06.2024, I am not inclined to accede the prayer of the petitioner to revoke the suspension pending the trial. But, considering the fact that the petitioner was under suspension from the year 2022, a direction can be given to the trial Court viz., Chief Judicial Magistrate, Cuddalore to expedite the proceedings.

8. In that view of the matter, this writ petition is disposed of on the following terms:

1. The prayer of the petitioner to quash the impugned orders shall stand negated.
2. There shall be a direction to the Chief Judicial Magistrate, Cuddalore to expedite the trial in Spl.C.C.No.8 of 2023 and complete the same in any event within a period of four (4) months from the date of receipt of a copy of this order.
3. No costs.

05.06.2024



W.P.No.33558 of 2023

Neutral Citation: Yes/No
mp

To

1. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.
2. The Superintendent of Police,
Cuddalore District, Cuddalore.
3. Chief Judicial Magistrate, Cuddalore.



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W.P.No.33558 of 2023

D.BHARATHA CHAKRAVARTHY, J.

mp

W.P.No.33558 of 2023

05.06.2024