



W.P.(MD).No.1275 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.01.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.1275 of 2024**  
**and W.M.P(MD) Nos.1307, 1309 of 2024**

M.Chadacharam @ Sadacharam

... Petitioner

Vs

1. The Principal Secretary to the Government,  
Department of Home (Pol.2),  
Secretariat, Chennai-9.
2. The Director General of Police,  
Office of the Director General of Police,  
Head of Police Force, Tamil Nadu,  
Chennai-4.
3. The Commissioner of Police,  
Madurai City, Madurai.

... 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 records pertaining to the impugned order in Letter No.e-29/Pol.2/2024-4, dated 06.01.2024, on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondent No.1 to keep the proceedings initiated under Rule 3 (c) (i) (1) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 in abeyance till the



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conclusion of the Criminal Appeal in CrI.A.No.116 of 2023 before the Principal District Judge, Madurai.

For Petitioner : Mr. J.Lajapathi Roy  
Senior Counsel for Mr.A.Balaji

For Respondents : Mr.S.Shaji Bino  
Special Government Pleader

### **ORDER**

The present writ petition has been filed challenging the impugned order in Letter No.e-29/Pol.2/2024-4, dated 06.01.2024, on the file of the Respondent No.1 and consequently to direct the Respondent No.1 to keep the proceedings initiated under Rule 3 (c) (i) (1) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 in abeyance, till the conclusion of the Criminal Appeal in CrI.A.No.116 of 2023 before the Principal District Judge, Madurai.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.The petitioner was appointed as Grade II Police Constable on 09.06.1993 and presently he is working as Special Sub Inspector of Police and he has rendered more than 30 years of service. While so, a private complaint was filed against the petitioner and other police officials by a person namely, A.G.Krishnakumar on 11.06.2019, based on which, the learned Chief Judicial Magistrate, Madurai has passed an order of conviction in C.C.No.807 of 2019, dated 16.10.2023. Against which, the petitioner has preferred an appeal in C.A.No.116 of 2023 before the learned Sessions Judge, Madurai and on 31.10.2023, his sentence was suspended. However, on 09.01.2024, the learned Sessions Judge, Madurai refused to suspend the conviction. Against which, the petitioner has preferred a revision before this Court in CrI.R.C.(MD)No.67 of 2024. In the meanwhile, the impugned show-cause notice, dated 06.01.2024 came to be issued by the first respondent, in view of the conviction order passed by the learned Chief Judicial Magistrate, Madurai. Challenging the same, this petition has been filed.



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5.The learned Senior Counsel appearing for the petitioner submitted that since CrI.R.C(MD) No.67 of 2024 has already been filed before this Court and an application for suspension of conviction to be filed within a period of 90 days, the petitioner may be permitted to give reply to the show-cause notice after the limitation period of 90 days for preferring an application for suspension of conviction before this Court.

6.Considering the limited request sought for by the petitioner, I hereby direct the first respondent to keep the letter in abeyance till the expiry of 90 days from **09.01.2024**.

7.With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**24.01.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
**PNM**



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



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**L.VICTORIA GOWRI, J.**

PNM

**ORDER IN**  
**W.P.(MD).No.1275 of 2024**  
**and W.M.P(MD) Nos.1307, 1309 of 2024**

**24.01.2024**