



W.A.(MD).No.2068 of 2024

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

**DATED : 24.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.2068 of 2024  
and  
C.M.P.(MD)No.14739 of 2024**

- 1.The Government of Tamil Nadu,  
Rep. By its Additional Chief Secretary,  
Home (Police -VI) Department,  
Chennai – 9.
- 2.The Commissioner of Police,  
Tirunelveli City (In – Charge),  
Inspector General of Police,  
Tirunelveli Range,  
Tirunelveli District.
- 3.The Superintendent of Police,  
Office of Superintendent of Police,  
Kanyakumari District.

... Appellants

-VS-

N.Jeyaram

... Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.14520 of 2018, dated 28.10.2022.

For Appellants

: Mr.S.R.A.Ramachandran  
Additional Government Pleader



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For Respondent : Mr.G.Karthick  
For M/s.Lajapathi Roy Associates

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**JUDGMENT**

**[Judgment of the Court was made by R.SUBRAMANIAN, J.]**

Mr.G.Karthick, learned counsel for M/s.Lajapathi Roy Associates takes notice for the respondent.

2.The Appeal is by the Government. The Writ Court allowed the Writ Petition, quashing the punishment imposed on the respondent, who is a Head Constable at the relevant point of time. The charge against the respondent was that he allowed one accused by name, Abbas s/o, Haneefa, to escape from police custody. Though he was entrusted to him at Colachel Police Station by the Inspector of Police on 08.10.2022. The charge was held to be proved and the respondent was slapped with the punishment of postponement of increment by one year, which shall operate to postpone his future increments. Since the appellate authority rejected the appeal and the mercy petition was also rejected, the respondent approached the Government and the Government declined to interfere, leading to the filing of the Writ Petition. The Writ Court found that the charge against the respondent has not been established at all. It is stated that a lorry carrying sand was intercepted by the Highway patrol party and this respondent was a part of the patrol party. The driver of the lorry alighted from the lorry and



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when he was asked about the sand being carried, he had informed the police party that the owner of the lorry is inside the lorry and they procured the owner and when they were preparing the papers, the Driver escaped. The learned Single Judge has rightly found that if at all anyone is responsible, entire patrol party must be held responsible. The entire liability cannot be fastened on the respondent alone. The learned Single Judge has also found that there is no question of the Driver escaping from the police custody, as he had not been arrested as admitted by the Inspector of Police during the disciplinary proceedings.

3.Mr.S.R.A.Ramachandran, learned Additional Government Pleader would contend that the first respondent being a part of the patrol party would be liable for the escape of the accused person.

4.Factually, the Writ Court found that there was no arrest and as admitted by the Inspector during the domestic enquiry, the accused person had escaped, when papers were being prepared. Therefore, the respondent alone cannot be blamed for the escape. When the factual position is admitted, we are unable to fault the Writ Court for having come to the conclusion that the punishment imposed on the respondent alone cannot be sustained.



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5.Hence, the Writ Appeals fails and it is accordingly, dismissed. No

Costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**24.10.2024**

NCC :Yes/No

Index :Yes/No

Internet: Yes

Mrn

To

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**and**  
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