



W.A.(MD) No.299 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD) No.299 of 2018
and
C.M.P.(MD) No.1770 of 2018

1.The State of Tamil Nadu,
Rep., by its Home Secretary,
Secretariat, Chennai.

2.The Director General of Police,
Directorate, Beach Road,
Chennai.

3.The Inspector of Police,
C.B.C.I.D.,
Tuticorin District.

.. Appellants/
Respondents 1 to 3

Vs.

1.Anumohan

.. 1st Respondent/Petitioner

2.Gandhi,
The Inspector of Police,
N.I.B.C.I.D.,
Tuticorin.

.. 2nd Respondent/



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4th Respondent

3.Rajamanikam @ J.T.Rajkumar,
The Sub-Inspector of Police,
N.I.B.C.I.D.,
I/c. Thoothukudi N.I.B.C.I.D. Unit,
Kanyakumari District.

.. 3rd Respondent/
5th Respondent

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 29.08.2016 passed in W.P.(MD) No.5544 of 2010.

For Appellants	:	Mr.V.Nirmal Kumar Government Advocate
For R1	:	Mr.T.Lajapathi Roy Senior Counsel for M/s.T.Lajapathi Roy Associates
For RR2 & 3	:	No appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

Respondents 1 to 3 in W.P.(MD) No.5544 of 2010 challenge the order of the learned Single Judge dated 29.08.2016, whereunder the learned Judge has directed payment of compensation of Rs.11,50,000/- to the writ petitioner detaining him illegally on the basis of a false case foisted against him by Respondents 4 and 5.



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2. The brief facts are as below:

- (a) The writ petitioner is a dentist from Kerala, and on 09.02.2006, he along with two others were travelling in a car from Quilon in Kerala to Alankulam in Tirunelveli district. While so, they were intercepted by Respondents 4 and 5 in the writ petition, who were then working as NCB Officials. This meeting did not have a happy end, as it triggered certain wordy altercation between the two that eventually landed the visitors from Kerala in a case in Crime No.10 of 2006. the allegations was that these men from Kerala had been transporting 24 kgs of cannabis.
- (b) What unfolded thereafter was that led to the institution of the writ petition involved in this appeal. According to the writ petitioner, on their arrest, instead of remanding them, the NCB Officials had lodged them in a certain hotel in the heart of Tirunelveli, And, to the misfortune of the NCB officials, one of those they arrested escaped from their custody with a handcuff, and this man was spotted by a senior police official, who in turn checked with these NCB Officials as to why they were kept in a hotel. And, to sustain the arrest, these NCB



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Officials procured 24 kgs of cannabis. In short, these NCB Officials had planted a case against the petitioner and his friends.

(c) Later, one of the accused in Crime No.10 of 2006 had filed CrI.O.P.No.7150 of 2007 for transfer of investigation, and this Court *vide* its order dated 01.08.2007, had transferred the case to CBCID. Accordingly, Crime No.10 of 2006 was taken up for investigation by the transferee investigation agency, and it found that the case was falsely foisted against the accused persons, and closed the same. And in the same breath the CBCID opened a fresh case in Crime No.4 of 2010 against the aforesaid NCB officials, and laid its final report, in which they had cited the accused persons (the writ petitioner and his friends) in Cr.No:10 of 2006 as witnesses.

(d) Therefore, what in essence started as a criminal case against the writ petitioner and two others now took a turn, and the investigators of the Crime No:10 of 2006 became the accused persons themselves, and the accused thereof had their dignity restored and protected, a rarity to be documented in our criminal justice administration.



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3.1 This is the setting. During the entire ordeal, the writ petitioner had been in judicial custody for 229 days, and 1 day in police custody and in all he was in custody for 330 days. He therefore, moved this Court with W.P.(MD) No. 5544 of 2010 seeking compensation of Rs.50,00,000/-. As outlined earlier, after considering the entire case, the learned Single Judge had satisfied himself about the veracity of the case before him, and awarded compensation to the writ-petitioner for his illegal detention at Rs.5,000/- a day, and arrived at a total compensation of Rs.11,50,000/- which he directed to pay with interest at the rate of 9% within a period of eight weeks.

3.2 The aforesaid order of the learned Single Judge is now under challenge. During the pendency of this appeal, as directed by this Court, the appellants have paid Rs.2,00,000/- to the writ petitioner.

4. The learned Government Advocate made a solitary submission. He submitted that the Government was put under an unnecessary obligation to pay compensation to the writ petitioner owing to the wanton act of the two NCB Officials (Respondents 4 and 5 in the writ petition). He added that the



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learned Single Judge has not ordered recovery of the said sum from them.

5. The submissions of the learned counsel is fair enough. The appellants are now directed to initiate departmental enquiry against the two NCB Officials, who are responsible for foisting Crime No.10 of 2006 against the writ petitioner and his friends, if it has not already been initiated one, fix responsibility and then to recover the compensation amount which the Government is now under obligation to pay the writ petitioner.

6. This appeal is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.)

(P.V.M., J.)

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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