



W.P.(MD)No.23267 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:06.12.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.23267 of 2023

and

W.M.P.(MD) Nos.19470 and 19473 of 2023

S.Jeyakodi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Home Secretary,
Home Department, Secretariat,
Fort St.George, Chennai 600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.
- 3.The Inspector General of Police,
South Zone,
Office of the Inspector General of Police,
Madurai 625 002.
- 4.The District Collector,
Office of the District Collector,
Madurai 625 020.



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5.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai 625 002.

6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai 625 007.

7.The Inspector of Police,
Keeraithurai Police Station,
Madurai City.

8.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from committing any Encounter / Killing of the petitioners son, namely Kalai @ Vellai Kali son of Shanmugavel by the Respondents or in anyway disturbing the life and limb of the petitioners son while on transit to court or even while in judicial custody.

For Petitioners : Mr.Henri Tiphagne

For Respondents : Mr.M.Muthu Kamatchi
Government Advocate for R1 & R4
Mr.S.Ravi
Additional Public Prosecutor
for R2,R3,R5,R6 to R8



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ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from subjecting the petitioner's son to any encounter killing.

2. When the matter came up for hearing on 25.09.2023, this Court passed the following order:

“This Writ Petition is filed under Article 226 of the Constitution of India forbearing the respondent Police from committing any encounter / killing of the petitioner’s son, namely, Kali @ Vellai Kali.

2. It is submitted by learned counsel for the petitioner that the petitioner was involved about 29 cases as per the list enclosed to the petition showing the details of cases pending in various Courts alleging that he has committed various offences right from simple to the grave.

3. It is submitted further that in the year 2020, the petitioner’s son was apprehended by the respondent Police and was not been produced before the Court, thereby,



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apprehending that he may be killed in the encounter, the petitioner has filed W.P.(MD).No.12623 of 2020 with the same relief and immediately, thereafter, the respondent Police have remanded the petitioner's son to the judicial custody, accordingly, the said Writ Petition was closed.

4. It is mentioned in the affidavit filed by the mother of the accused, that her son has informed to her when he was produced before the Court and that her son has informed to her daughter-in-law over phone that the Police are trying to eliminate him in fake encounter, thereby, sought for suitable directions.

5. Learned Additional Public Prosecutor has strongly objected the allegations made against the Police and requested time to file a detailed counter. It is also submitted by learned Additional Public Prosecutor submitted that the petitioner has committed many offences and according to the Police intelligence, there are many groups which are trying to eliminate him.

6. In view of the submissions made by both sides, it appears that there is threat to the life of the petitioner's son, thereby, keeping the petitioner's son in the judicial custody



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within the jail premises is safe for his life. If at all the petitioner's son is required to be produced before the Courts in any case, he can be produced by way of video conference by intimating and taking permissions of the Court. The respondent Police are directed not to take risk of bringing him out of the jail premises and produce him through the video conference. However, in case, if he is required to be produced compulsory before any Court, the respondent Police shall produce him with sufficient security and see that he is lodged back into the jail safely.

7. List on 13.10.2023."

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that whenever the petitioner is brought from Puzhal Prison to Madurai, he is brought with a Bodycam.

4. In view of the above, since whenever the petitioner is produced before the Court he comes with the Bodycam, the apprehension raised by the petitioner is sufficiently redressed.



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5.This writ petition is disposed of accordingly.

Consequently, connected miscellaneous petitions are closed.

06.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.The State of Tamil Nadu,
Represented by its Home Secretary,
Home Department, Secretariat,
Fort St.George, Chennai 600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.
- 3.The Inspector General of Police,
South Zone,
Office of the Inspector General of Police,
Madurai 625 002.
- 4.The District Collector,
Office of the District Collector,
Madurai 625 020.
- 5.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai 625 002.



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6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai 625 007.

7.The Inspector of Police,
Keeraithurai Police Station,
Madurai City.

8.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

9.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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