



W.A.(MD) No.535 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.535 of 2017

and

W.M.P.(MD) Nos.4529 and 4530 of 2017

M.Raja

... Appellant/Petitioner/
Petitioner

Vs.

- 1.The Inspector General of Police,
South Zone,
Madurai.
- 2.The Additional District Superintendent of Police,
Madurai District,
Madurai.
- 3.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai.



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4.The Executive Engineer,
Meter Relay Test (MRT),
TANGEDCO,
Pasumalai, Madurai.

... Respondents/Respondents/
Respondents

Prayer: Appeal filed under Clause XV of Letters Patent against the order dated 27.03.2017 made in W.P.(MD) No.4821 of 2017 and order dated 21.04.2017 and modified the order made in W.M.P.(MD) No.5715 of 2017.

For Appellant	:	Mr.Ram Sundar Vijayaraj for M/s.Veera Associates
For R4	:	Mr.Deenadhayalan
For RR1 to 3	:	Mr.A.Baskaran Additional Government Pleader

JUDGMENT

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

The appellant herein challenges an order passed by a learned Single Judge of this Court dated 27.03.2017 in W.P.(MD) No.4821 of 2017.



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2.1 A brief note on the facts are provided as below:

(a) Alleging that the appellant and the TANGEDCO are sharing an uncomfortable relationship as a consumer and a distributing licensee of electricity, the appellant claims that a criminal case in Crime No.289 of 2016 was foisted against him on the ground that the appellant had tampered with the CT Box. He would approach this Court with a petition seeking a direction to collect undisputed seal samples of the CT Boxes of Low Tension electricity supply collected on 22.02.2014 from other electricity consumers in Usilampatti and send it for forensic examination. In short, the appellant is given to have a fair investigation into this crime.

(b) When the matter came up before the learned Single Judge, the Court was informed by the respondents that the samples were forwarded to the Chief Electrical Inspector to the Government for examination. Recording the said statement, the learned Single Judge has disposed of the matter, since there was nothing required to be decided.



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2.2 Subsequently, this order of the Court was sought to be modified by the respondents, but the learned Judge had dismissed it *vide* his order dated 21.04.2017. It is in this backdrop, the writ petitioner had come forward with this appeal.

3. Principally, this Court considers that the present appeal is not maintainable and the grounds are:

- (a) When the remedy which the appellant has sought has been granted even by the respondents, this Court is at a loss to understand how the appellant claims himself to be a person aggrieved by the order of the learned Single Judge. In deed, even after the passing of the impugned order, the appellant did come before the Court when the respondents had filed a petition for modification of the earlier order.
- (b) Secondly, this is a matter which essentially relates to a criminal prosecution, and in view of the authority in ***Ram Kishan Fauji Vs State of Haryana and others*** [(2017) 5 SCC 533], an appeal is not maintainable against an order passed in a writ proceedings in a criminal matter.



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4. In view of the above, this Writ Appeal is dismissed as not maintainable.

This Court is also informed that the final report in the criminal case has since been laid, and the same has been taken on to the file by the Judicial Magistrate, Usilampatti. The learned Judicial Magistrate, Usilampatti, is now required to expedite the proceedings and decide the matter at the very earliest. No costs. Consequently, connected miscellaneous petitions are closed.

(N.S.S., J.)

(P.V.M., J.)

15.04.2024

Note: Registry is required to mark a copy of this order to the Judicial Magistrate, Usilampatti.

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR



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