



W.P.(MD)No.26532 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.26532 of 2024

Devaurakkam @ Devairakkam

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, to direct the first respondent to remove the petitioner's name from the History Sheet, which is being maintained by the second respondent, by considering the petitioner's representation dated 04.09.2024.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 06.11.2024, which reads as follows:-

"The petitioner an agriculturalist having two children, was involved in a case long back and the second respondent had opened a history sheet against him since he was involved in a case in Crime No.51 of 2007 for the offences under Sections 147,148,149,429,324 and 307 of IPC. The petitioner faced trial in S.C. No. 3 of 2008 and was convicted by the learned Assistant Sessions Judge, Valliyoor on 23.08.2011 and sentenced to undergo six year rigorous imprisonment. Thereafter the petitioner approached the District and Sessions Court and the district Court dismissed the appeal confirming the judgment of the trial Court. Against which he filed criminal revision before this Court in Crl.R.C(MD) No.150 of 2012. This Court dismissed the revision on 12.12.2018 confirming his conviction against which the petitioner filed criminal appeal before the Hon'ble Apex Court in Criminal Appeal No.3597 of 2023 in SLP(Crl.) No.8320 of 2023. The Apex Court partly allowed the appeal by reducing the period of sentence already undergone and directed the petitioner to deposit a sum of Rs.1,00,000/-



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before the trial Court and directed the trial Court to disburse Rs.50,000/- to one victim who lost her finger and also directed to disburse Rs.25,000/- each to other two victims who got injured.

2. The further contention of the petitioner is that in yet another case in Crime No.121 of 2021 which culminated into C.C. No. 95 of 2022, the trial Court by judgment dated 19.07.2024 acquitted the petitioner from all charges. Though no case is pending against the petitioner, the second respondent is maintaining history sheet opened more than a decade ago in H.S. No. 119 of 2011 . This history sheet was pursuant to Crime No.51 of 2007. Now the petitioner is not facing any conviction or any other criminal case. Hence petitioner sent a representation dated 04.09.2024 to the respondents to remove his name from the history sheet but the first respondent is yet to take any decision, hence he filed the present petition.

3. The learned Additional Public Prosecutor would submit that the petitioner committed assault on three victims of which one victim lost finger and the other two victims sustained injuries. A case in crime No. 51 of 2007 registered which culminated into S.C. No.3 of 2008 and the petitioner was convicted and sentenced to undergo six years rigorous imprisonment. Against which the petitioner preferred C.A. No. 138 of 2011 before the Additional Sessions Court, Fast Tract Court No.II, Tirunelveli and the sessions Court by judgment dated 09.01.2012 dismissed the appeal and confirmed the



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judgment of the trial Court. Against which the petitioner has filed criminal revision before this Court in Crl.R.C(MD) No.150 of 2012 and this Court by order dated 12.12.2018 confirmed the judgment of the trial Court by confirming the conviction. Thereafter the petitioner preferred appeal before the Hon'ble Apex Court and the Apex Court vide judgment dated 24.11.2023 confirmed the conviction but reduced the sentence as period already undergone and also directed the petitioner to pay a sum of Rs.1,00,000/- to the victims as a condition. Whether condition complied or not the counsel is unable to confirm the same.

4. At this juncture, the learned counsel appearing for the petitioner seeks small accommodation to produce the proof for payment of Rs.1,00,000/- before the trial Court.

5. List the case on 12.11.2024."

2. Pursuant to the order passed by this Court on 06.11.2024, the learned counsel for the petitioner has today produced a receipt confirming the payment of Rs.1,00,000/- as directed by the Hon'ble Supreme Court in Criminal Appeal No. 3597 of 2023, dated 24.11.2023.

3. Therefore, as of now, the petitioner has no criminal cases pending against him. In view of the same, the first respondent and the



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second respondent are directed to remove the petitioner's name from History Sheet, within a period of two weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition stands allowed. No costs.

12.11.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
- 2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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Dated: 12.11.2024