



WEB COPY

WP CrI. No. 655 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

WP CrI. No. 655 of 2026

T. Thirunavukkarasu

..Petitioner(s)

Vs

1. The Secretary to Government
Home Department,
Fort St.George,
Chennai – 600009.
2. The Director General of Police
Mylapore,
Chennai 600 004.
3. The Director of Prosecution
Kamaraj Salai,
Near Ice House, Chennai.
4. The Superintendent of Police
Tiruvannamalai District.
5. The State House Officer
Chengam Police Station,
Tiruvannamalai.

..Respondent(s)

Prayer:- This Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ or Order or Direction more in the nature of a Writ of Mandamus to direct the first respondent to consider the representation of the petitioner dated 03.07.2025 and pass orders in accordance with law pursuant to the letter No.956, dated 23.12.2025 of the first respondent and pass such further or other orders.

For Petitioner(s):

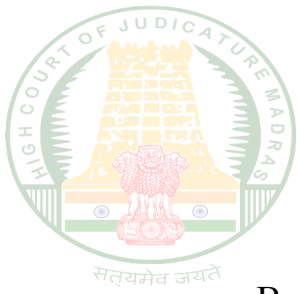
For Respondent(s):

Mr.K.Magesh

M/S. Leonard Arul Joseph Selvam

Additional Public Prosecutor

Assisted By M/s.Harshana.T



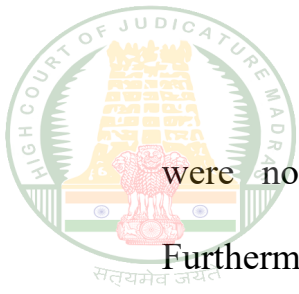
ORDER

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Based on a complaint lodged by the petitioner on 28.06.2018, a case in Cr.No.599 of 2018 registered and on completion of investigation charge sheet filed against four persons in C.C.No.165 of 2023 for the offences under Section 341, 294 (b), 323, 326 and 506 (i) of I.P.C.

2.During the trial, the witnesses P.W.1 to P.W.9 were examined and Exhibits Ex.P.1 to Ex.P8 were marked. On completion of trial, the trial Court by a judgment dated 29.05.2025, dismissed the case and acquitted the accused. Aggrieved by this, the petitioner sent a representation to the respondents 1 to 3 on 03.07.2025, specifically complaining against the Public Prosecutor and the Investigating Officer for failing to diligently follow up on the case, failing to produce necessary documents and showed slackness in the conduct of the trial. Due to which the case ended in acquittal. Till date, no action has been taken on the petitioner's representation. Hence, the present petition.

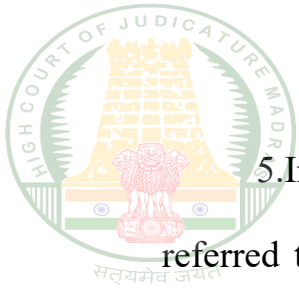
3.The learned counsel for the petitioner submitted that the petitioner was attacked by the accused, sustained injuries and was admitted to the Government Hospital in Tiruvannamalai. Although the Doctor issued an Accident Register and Wound Certificate, and the petitioner suffered ear injuries affecting his hearing (supported by an audio examination report), these Medical documents



were not fully produced or properly explained before the trial Court.

Furthermore, during the cross-examination of the witnesses, the Public Prosecutor in charge of the case was not at all present. Consequently, the witnesses being rustic villagers unfamiliar with the Court proceedings provided lengthy answers which have been projected against the petitioner's case.

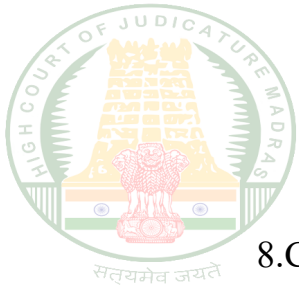
4.The counsel further submitted that the petitioner's representation referred to the letter (Ms)No.956 23.12.2015, in which, the Home Secretary directed the Director General of Police, Chennai, to take action against negligence by prosecution agents and established a Standing Committee to scrutinize the cases where the prosecution failed. Following the petitioner's complaint, the Joint Director of prosecution summoned the petitioner to appear on 28.10.2025. The petitioner appeared, raised objections and submitted materials in support of his contentions. Subsequently, the Assistant Public Prosecutor of the Judicial Magistrate Court, Chengam, provided an opinion on 18.07.2025 for filing an appeal stating that the trial Court failed to appreciate the evidence of P.W.1 in its totality, and erroneously considered the evidence of P.W.2, P.W.3 and other witnesses. However, the petitioner claims that no appeal has been filed to date. Therefore, appropriate action is sought against the Investigating Officer and the Public Prosecutor who conducted his case before the trial Court.



5. In support of these submissions, the learned counsel for the petitioner referred to the Supreme Court judgment in *State of Gujarat Vs. Kishanbhai*, which held that the Investigating / Prosecuting officials responsible for acquittal in criminal cases must necessarily be identified and mechanism must be formulated to infuse seriousness in the performance of the Investigating and prosecuting duties and to ensure that investigation and prosecution are purposeful and decisive.

6. The Additional Public Prosecutor strongly opposed the petitioner's contentions, submitting that after receiving the opinion from the Trial Court's Public Prosecutor, the merits of the case were reviewed. The Deputy Superintendent of recommended an appeal and after obtaining orders from the Superintendent of Police, an appeal was filed on 21.04.2026 (document No. LTN20230000698D202608885). He further submitted that the appeal would be diligently followed and misleading of the evidence by the trial Court would be rectified.

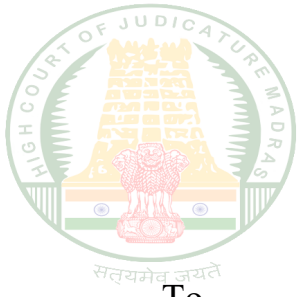
7. Heard the learned counsels on either side and perused the materials available on record.



8. Considering that an appeal has now been filed, this Petition is disposed of. However, this does not absolve the erring investigating and prosecuting officials for laxity. In view of the above, the first respondent is directed to consider the petitioner's representation along with supporting materials and to take appropriate actions, if any slackness or error of the concerned officials are found. No costs.

22-04-2026

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M.NIRMAL KUMAR, J.

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To

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Home Prohibition and Excise Department,
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