



Cont.P.No.818 of 2022

N.ANAND VENKATESH,J.

Mr.S.Balaji, learned Government takes notice on behalf of the respondent.

2.This Court while disposing of the writ petition directed the respondent to consider the representation made by the petitioner on 20.08.2014 in line with the guidelines given in the Judgment in ***Sabari vs. The Assistant Commissioner of Police, Madurai City and Others*** reported in ***2018 4 MLJ Cri 585***. This order was passed on 18.01.2019.

2.Since the above order passed by this Court was not complied with by the respondent, the counsel on instructions from his client had issued a contempt notice to the respondent on the ground that the order passed by this Court has not been complied with. On receipt of this legal notice, the respondent has issued a Summon under Section 91 and 160 of Cr.P.C. to the counsel who is representing the petitioner and also to the petitioner.

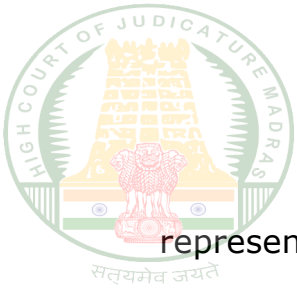
3.It is quite unfortunate that the respondent police had issued a Summon on the counsel representing the petitioner and that too under Section 91 and 160 of Cr.P.C. This clearly establishes non-application of mind and issuing such a Summon to an Advocate representing his client,



clearly impinges upon the stature of an Advocate. The respondent probably did not even realize the seriousness of issuing such a Summon to an Advocate representing a client. This Court takes very serious note of the attitude of the respondent and the recklessness with which the Summon has been issued to the Advocate representing the petitioner.

4.The second serious mistake committed by the respondent is to issue a Summon under Section 91 and 160 of Cr.P.C. to the petitioner. This Court has time and again held that such a Summon can be issued only in the course of investigation after an FIR is registered under Section 154 of Cr.P.C. In the present case, the respondent was expected to consider the representation made by the petitioner, wherein, the petitioner had sought for the removal of his name from the history sheet. While considering this representation, there is absolutely no occasion for the respondent to issue a Summon under Section 91 and 160 of Cr.P.C. The issuance of the Summons by itself goes against the purport of the orders passed by this Court.

5.When the seriousness of the matter was brought to the notice of the learned Government Advocate (Criminal Side), the learned Government Advocate submitted that he will immediately instruct the respondent to withdraw the Summon and to personally write a letter to the Advocate



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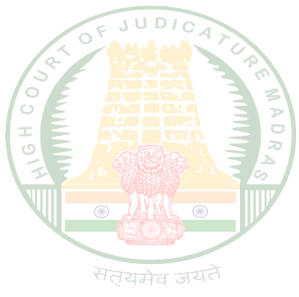
representing the petitioner regretting for the mistake committed by him.

This Court expects the respondent to immediately act on the instructions given by the learned Government Advocate (Criminal Side). The respondent is directed to consider the representation made by the petitioner in line with the Judgment mentioned *supra* and report compliance before this Court.

6.Post this case under the caption 'For Reporting Compliance' on 06.06.2022.

27.04.2022

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