

CrI.OP.No.18337/2020

M.SATHYANARAYANAN, J.,

AND

A.A.NAKKIRAN, J.,

[Order of the Court was made by M.SATHYANARAYANAN, J.]

- (1) This Court, in continuation and in conjecture with the earlier orders, is passing the following order.
- (2) This Court perused the Status Report of the 2nd respondent – Commissioner of Police, Greater Chennai City in USR.No.538 dated 21.01.2021.
- (3) A perusal of the same would read among other things that some of the accused, viz., Mr.C.S.Karnan and Dr.M.Dhanasekaran, have filed CrI.MP.Nos.5990 and 5991 of 2020 in CCB Crime Nos.316 and 321 of 2020 and it came before the Court of the III Metropolitan Magistrate, George Town, Chennai and the said petitions were dismissed as not pressed on 04.01.2021 and subsequently, on 07.01.2021, Mr.C.S.Karnan, was formerly arrested in CCB Crime No.356 of 2020 for the commission of the offences u/s.294-B, 448 of IPC altered into one u/s.143, 147, 294-B, 448 and 506[ii] of IPC read

with 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998, and he was produced before the Trial Court through P.T.Warrant on 08.01.2021 and was remanded to judicial custody till 22.01.2021. Application for bail filed by him on 11.01.2021 in CrI.OP.No.307 of 2021 before this Court, also came to be dismissed as withdrawn on 11.01.2021. It is further stated in the said Status Report that the videos containing the abusive content of Mr.C.S.Karnan, was uploaded on 24.10.2020 in the FaceBook Account, viz., "AMBEDKAR ARMY ANTI CORRUPTION DYNAMIC PARTY" under the caption "Corruption Fight".

(4)The Report also speaks about the cases in Crime Nos.12 to 16 of 2021 registered by CCB-1 on 16.01.2021 on the basis of the complaint given by the Secretary, Bar Council of Tamil Nadu and Puducherry, for the commission of the offences u/s.228, 509, 294[b], 506[ii] of IPC and Section 67A of the Information Technology Act, 2008 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of the Indecent Representation of Women act and the investigation is in progress.

(5)Mr.K.Prabhakar, learned Additional Public Prosecutor appearing on behalf of the respondents would submit that search of the premises of Mr.C.S.Karnan also resulted in seizure of handwritten letters of Mr.C.S.Karnan in his capacity as Founder – President of Anti Corruption Dynamic Party having its Head Office at No.52, Ganesh Nagar, Vepampattu, Tiruvallur District, Tamil Nadu with E-Mail ID as acdpfopr2018@gmail.com and the Administration Office at Plot No.1122, TNHB, I Main Road, Avadi, Chennai 600 054, and the contents of the same would also disclose that abusive, indecent and vituperative utterances/sentences were made against some of the former Judges and sitting Judges of the Hon'ble Supreme Court of India and also against other Judges and the said seized documents have also been submitted to the jurisdictional Magistrate Court in Crime No.294 of 2020 registered by CCB-1 and the investigation with regard to the said letters would also be carried out.

(6)Mr.S.Prabhakaran, learned Senior counsel assisted by Mr.C.K.Chandarasekaran, learned counsel for the petitioner/Bar Council of Tamil Nadu and Puducherry would submit that the prime accused, viz., Mr.C.S.Karnan, continue to behave in the same manner and on some occasions, when he was travelling, some threats were

wielded out and he as well as his family members are advised to be very careful. It is also the submission of the learned Senior counsel that in respect of the complaints given by the Bar Council of Tamil Nadu and Puducherry in Crime Nos.12 to 16 of 2021, the investigation is underway and in the light of the submission made by Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the State as to the seizure of the handwritten letters of one of the accused, viz., Mr.C.S.Karnan, a thorough investigation shall be carried out also and also requested the Court to direct the respondents to file a further Status Report as to the progress being made in the investigation.

(7) This Court has carefully considered the arguments advanced by the learned Senior counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents/State and also perused the materials including the latest Status Report of the 2nd respondent dated 21.01.2021 in USR No.538.

(8) It is needless to point out that effective, quality and scientific investigation shall be carried out, especially in the light of the allegations leveled against the accused and since a Special Team has

been formed, this Court is optimistic that necessary endeavour would be made in that regard.

(9) Now coming to the threat wielded out to Mr.S.Prabhakaran, learned Senior counsel appearing for the petitioner, it is brought to the knowledge of this Court that he has been provided with two personal security officers on turn duty and two policemen were also posted in his house on turn duty.

(10) In the light of the materials placed, especially, in the light of the earlier Status Report of the 2nd respondent dated 16.12.2020, this Court is of the considered view that enhanced security is to be provided to Mr.S.Prabhakaran, learned Senior counsel appearing for the petitioner / Bar Council of Tamil Nadu and Puducherry and accordingly, **directs respondents 1 and 2 to do the needful in this regard.**

(11) Mr.Amalraj, Chairman, Bar Council of Tamil Nadu and Puducherry is also present to assist the Court and he would submit that he being the Chairman of the Statutory Body which had filed the present writ petition and Criminal Original Petition, is also facing similar threat as that of Mr.S.Prabhakaran, learned Senior counsel appearing for the petitioner and in the light of the said submission made by Mr.Amalraj, Chairman of an important Statutory Body, **respondents 1 and 2 are**

directed to do the needful.

(12)Call on 12.03.2021 at 2.15 p.m. by way of PHYSICAL HEARING.

[MSNJ] [AANJ]

22.01.2021

AP

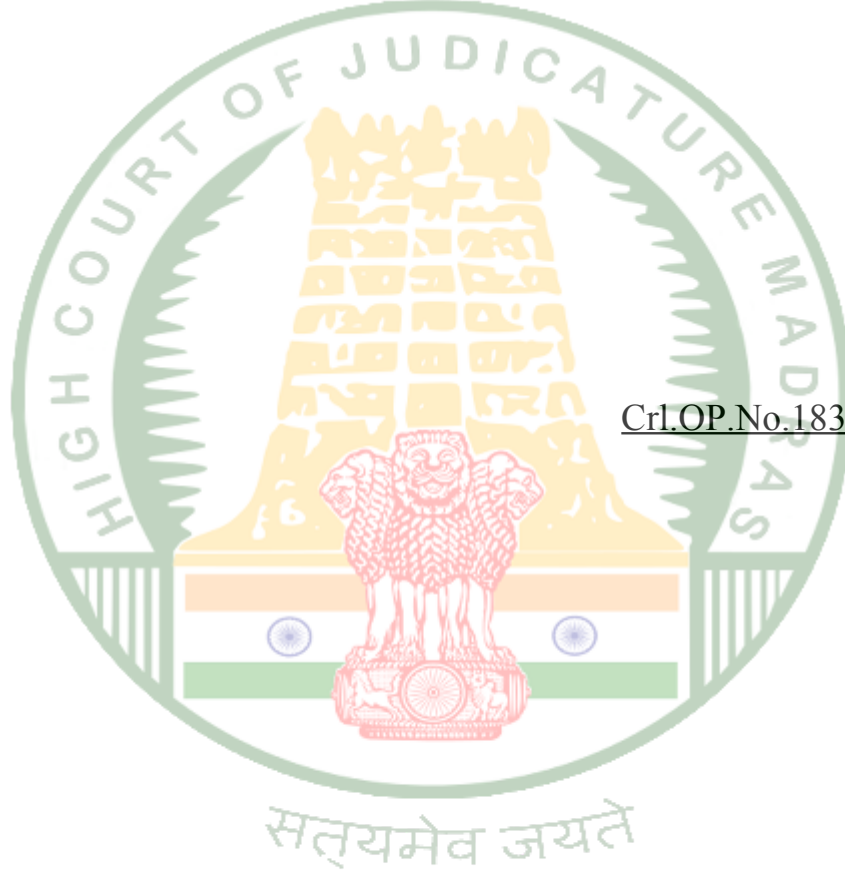
NOTE:- Communicate the above order to the official respondents and also upload the order in the website.



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