

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Crl.MC.No. 2899 of 2015

**CRIME NO.VC 05/2014/KLM OF VIGILANCE AND ANTI CORRUPTION BUREAU,
KOLLAM.**
.....

PETITIONER:

**G.PRAMOD, AGED 37 YEARS,
S/O.C.R.GOPALAN NAIR, PRESIDENT,
ANCHAL BLOCK PANCHAYT, ANCHAL,
KOLLAM DISTRICT, RESIDING AT IKKARA,
ALAYAMON P.O., ANCHAL, KOLLAM DISTRICT.**

**BY SRI.K.RAMAKUMAR (SENIOR ADVOCATE)
ADVS. SRI.S.M.PRASANTH
SRI.C.DINESH
SMT.ASHA BABU
SMT.AMMU CHARLES
SRI.G.RENJITH
SMT.JINNU SARA GEORGE**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. VIGILANCE AND ANTI CORRUPTION BUREAU,
KOLLAM, REPESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
KOLLAM - 691 001.**

**BY ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.TOM JOSE PADINJAREKKARA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A:** TRUE COPY OF THE RESOLUTION PASSED BY ANCHAL BLOCK PANCHAYAT ON 7/12/2012.
- ANNEXURE B:** TRUE COPY OF G.O.NO.251/2013/LSGD DATED 30/1/2013.
- ANNEXURE C:** TRUE COPY OF THE RESOLUTION PASSED BY ANCHAL BLOCK PANCHAYAT ON 23/2/2013.
- ANNEXURE D:** TRUE COPY OF THE RECEIPT DATED 30/4/2013 ISSUED BY SIDCO TO THE ANCHAL BLOCK PANCHAYAT.
- ANNEXURE E:** TRUE COPY OF THE LETTER DATED 26/11/2014 ADDRESSED TO THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA.
- ANNEXURE F:** TRUE COPY OF THE F.I.R DATED 14/11/2014.

RESPONDENTS' ANNEXURES:

- ANNEXURE R2(A) :** TRUE COPY OF THE LETTER NO.5538/E3/13/VIG. DATED 29.5.2013.
- ANNEXURE R2(B) :** TRUE COPY OF THE NO.E2(QV.5/13/KLM)12084/2013 DATED 6.7.2013.
- ANNEXURE R2(C) :** TRUE COPY OF THE QUICK VERFIFICATION REPORT.
- ANNEXURE R2(D) :** TRUE COPY OF THE PROCUREMENT GUIDELINE OF THE LOCAL SELF GOVERNMENT DEPARTMENT GO(P).259/2010/LSGD DATED 8.11.2010.

//TRUE COPY//

P.S. TO JUDGE

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[CR]

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 2899 of 2015
.....

Dated this the 8th day of October, 2015

ORDER

Vigilance enquiry has been initiated by the Vigilance and Anti-corruption Bureau into the grave allegations against the President of the Anchal Grama Panchayat, and has registered a Crime. The allegation is that without obtaining any sanction, he has spent an amount of ₹ 67,82,423/- for installing 17 High-mast lights in the Panchayat, which has revealed gross financial corruption. The investigation is going on.

2. According to the investigating officer, several materials by way of evidence have been collected and the

investigation is swiftly going on. The present challenge by the petitioner is that as per Section 248 of the Kerala Panchayat Raj Act, 1994, sanction is required for taking cognizance and therefore, even an FIR ought not to have been filed without obtaining sanction to proceed against the petitioner.

3. On going through Section 248 of the Kerala Panchayat Raj Act, it is evident that sanction is required in the case of the President, Vice-president etc. or Secretary or other employee of the Panchayat, for taking cognizance of any offence allegedly committed by any of them in the course of the discharge of their official duties. Here, cognizance has not been taken so far. The question of cognizance comes into play only on the filing of the complaint or the final report. The final report has not been filed so far. In case the final report is filed without obtaining sanction under Section 248 of the Kerala Panchayat Raj Act, the present argument could have been taken. Matters being

so, with liberty to the petitioner to move this Court at appropriate stage, in case of any grievance, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge