

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2015

CORAM

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.R.C.No.1303 of 2014

and

M.P.No.1 of 2014

V.Vijayaragavan
S/o.Vankatapathy

...Petitioner/Accused - 2

vs.

State represented by
The Inspector of Police,
Vigilance & Anti-Corruption,
Puducherry.

...Respondent/Complainant

Criminal Revision filed under section 397 and 401 Cr.P.C.
praying to call for records and set aside charges framed in
Spl.C.C.No.3 of 2012 on the file of learned Special Judge,
Puducherry.

For Petitioner : Mr.V.Krishnamoorthy

For Respondent : Mr.Thangavel,
Additional Public Prosecutor (Pondicherry)

O R D E R

This revision is filed seeking quash of proceedings in
Spl.C.C.No.3 of 2012 on the file of learned Special Judge,
Puducherry.

2. The petitioner is arrayed as A2 in Spl.C.C.No.3 of 2012 on
the file of learned Special Judge, Puducherry. He along with A1
was prosecuted for offences under sections 7, 13(1)(a) & (b) and
13(2) of Prevention of Corruption Act, 1988 r/w 34 of the Indian
Penal Code.

3. Heard learned counsel for petitioner and learned
Additional Public Prosecutor [Pondicherry].

4. It is submitted by learned counsel for petitioner that in

respect of A1, the charge sheet filed in Spl.C.C.No.3 of 2012 was quashed by this Court under orders in CrI.R.C.No.848 of 2013 dated 07.11.2014 on the ground of delay and latches and therefore, the same benefit may be given to the petitioner, who is arrayed as A2.

5. Learned Additional Public Prosecutor (Pondicherry) filed a detailed counter affidavit and reiterated the allegations stated therein. He also submitted that though the charge against A1 was quashed under orders in CrI.R.C.No.848 of 2013 dated 07.11.2014, the same cannot be extended to the petitioner as the petitioner is the Motor Vehicle Inspector during the relevant period.

6. I am unable to accept the contention of learned Additional Public Prosecutor [Pondicherry]. Under orders in CrI.R.C.No.848 of 2013 dated 07.11.2014, I quashed the charge against the first accused on the ground of delay and latches and the petitioner, being the second accused, is also entitled to have the same benefit of the order.

Accordingly, this Criminal Revision is allowed. As a consequence, the petitioner/A2 is discharged from the case in Spl.C.C.No.3 of 2012 on the file of learned Special Judge, Puducherry. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gm

1 The Special Judge,
Puducherry.

2. The Inspector of Police,
Vigilance and Anti Corruption,
Puducherry.

3. The Public prosecutor (Pondicherry)
High Court, Madras-104.

CrI.R.C.No.1303 of 2014

CO-RK

ths : 20.03.2015