

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM

THE HONOURABLE MR. JUSTICE A.SELVAM

Crl. R.C.No.461 of 2014
&
M.P.No.1 of 2014

A.Selviah Vijayakumar

...Petitioner/Accused

vs.

State through rep.by
The Inspector of Police
V&AC, Coimbatore

...Respondent/Complainant

Revision under Sections 397 and 401 of Criminal Procedure Code to call for the records in Crl.M.P.No.352 of 2013 in Spl.C.C.No.141 of 2011 on the file the learned Special Judge Special Court for Cases under prevention of Corruption Act, Coimbatore and set aside the order in Crl.M.P.No.352 of 2013 dated 14.02.2014 and thereby discharge the petitioner.

For petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.A.D.Jagadish Chandira

For respondent : Mr.P.Govindarajan,
Addl.Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Revision Case has been directed against the order dated 14.02.2014 passed in Crl.M.P.No.352 of 2013 in Special C.C.No.141 of 2011 by the Special Judge, Special Court for cases under Prevention of Corruption Act, Coimbatore.

2. The revision petitioner has filed Crl.M.P.No.352 of 2013 praying to discharge him from the proceedings of Special Calendar Case No.141 of 2011.

3. It is averred in the petition that the petitioner has been arrayed as sole accused in Special C.C.No.141 of 2011. Further, it is stated in the petition that the respondent has no locus standi to conduct investigation against the petitioner, since the petitioner belongs to "A" Grade Range Officer. Under the said circumstances, present petition has been filed for getting the relief sought for therein.

4. In the counter filed on the side of the respondent, it has been contended inter alia to the effect that as per the Government Order, the respondent is a competent authority to conduct investigation against the petitioner and accordingly, he conducted the same and subsequently filed a final report and the same has been rightly taken on file in Special C.C.No.141 of 2011 and therefore the present petition deserves to be dismissed.

5. The Court below after considering the rival contentions put forth on either side has dismissed the petition by way of holding that the respondent is having power to conduct investigation against the petitioner.

6. The learned senior counsel appearing for the revision petitioner has contended that the petitioner has served as "A" Grade Range Officer in Tamil Nadu Forest Department at Bolampatty Range, Coimbatore Division and the allegation levelled against him is that he received bribe and the respondent has conducted investigation and subsequently filed a final report under section 7 and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and the respondent has no locus standi to investigate the offences alleged to have been committed by the revision petitioner and therefore the entire investigation done by the respondent is ab initio void. Under the said circumstances, present petition has been filed, but the court below without considering the contentions put forth on the side of the revision petitioner has erroneously dismissed the petition and therefore the order passed by the Court below is liable to be set aside.

7. The learned Additional Public Prosecutor has befittingly contended that as per G.O.Ms.No.155, P&AR (N) Department dated 26.10.2010, even in the case of "A" and "B" groups, the Inspector of Police, Vigilance and Anti Corruption has been authorized to conduct investigation and the Court below has rightly applied the same and therefore the order passed by the Court below need not be set aside.

8. For considering the divergent submissions made on either side, it would be apposite to look into G.O.Ms.No.155, P&AR (N) Department dated 26.10.2010, wherein it has been clearly stated that the Inspector of Police, Vigilance and Anti Corruption is empowered to conduct investigation against the officers belonging to Groups "A" and "B" in the pay scale, the maximum amount of which is above Rs.11,100/-.

9. The specific contention put forth on the side of the revision petitioner is that at the time of occurrence, he has drawn total emoluments of Rs.18,180/-. At this juncture, learned Additional Public Prosecutor has drawn the attention of the Court to the observations made in the order passed by the Court below, wherein it is stated that on the basis of available records, the basic pay of the revision petitioner is Rs.4,400/-.

10. Considering the above factual aspects, it is needless to stated that the total emoluments of the petitioner cannot be considered and further in G.O.Ms.No.155, P&AR(N) Department dated 26.10.2010, it is clinchingly stated that the Inspector of Police, Vigilance and Anti Corruption is empowered to conduct investigation against the officers belonging to Groups "A" and "B" in pay scale, the maximum of which is above Rs.11,100/-. Therefore, viewing from any angle, the contentions put forth on the side of the revision petitioner cannot be accepted.

11. The Court below after considering the rival contentions put forth on either side, has rightly dismissed the petition. In view of the discussions made earlier, this Court has not found any force in the contention put forth on the side of the revision petitioner and therefore, the Criminal Revision Case deserves to be dismissed.

In fine, this Criminal Revision Case is dismissed. The order passed in Crl.M.P.No.352 of 2013 in Special C.C.No.141 of 2011 by the Special Judge, Special Court for cases under Prevention of Corruption Act, Coimbatore is confirmed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Special Judge, Special Court for cases
under Prevention of Corruption Act,
Coimbatore.

2. The Inspector of Police
V & AC, Coimbatore.

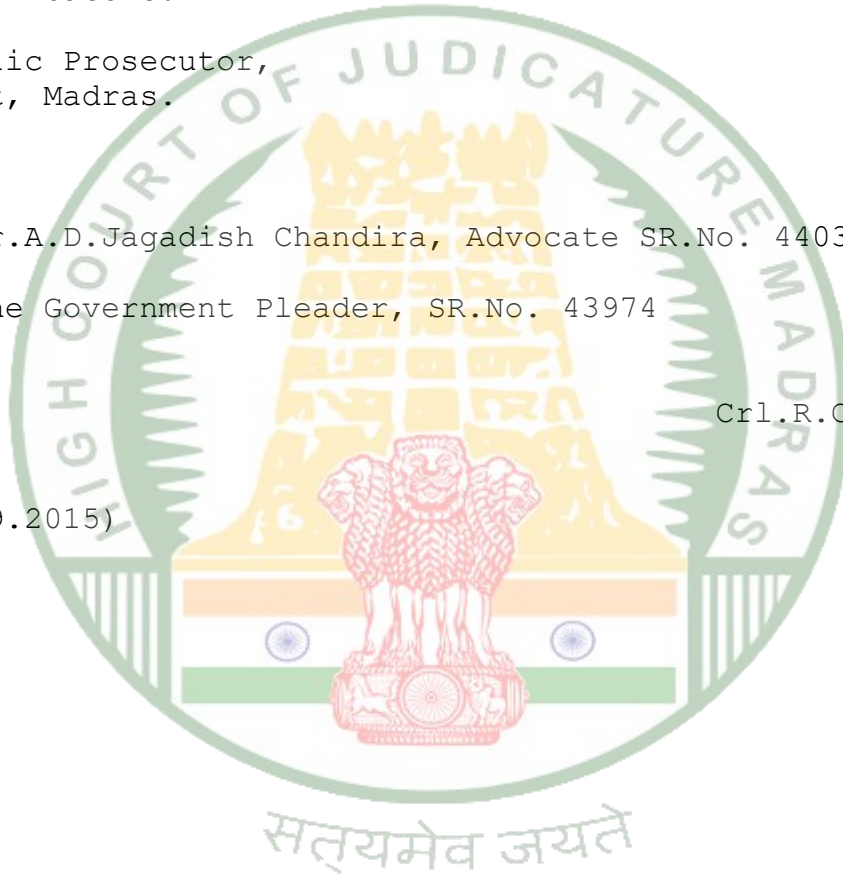
3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.A.D.Jagadish Chandira, Advocate SR.No. 44032

1 CC to the Government Pleader, SR.No. 43974

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UG (CO)
PSI (30.09.2015)



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