IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.11.2015

Coram

THE HONOURABLE MR. JUSTICE A.SELVAM

Crl. R.C.No.869 of 2015

Muthusamy .. Petitioner

vs.

State rep.by
The Deputy Superintendent of Police
Vigilance and Anti Corruption
Coimbatore District .. Respondent

Revision under Sections 397 and 401 of Criminal Procedure Code against the order dated 5.5.2015 made in Crl.M.P.No.137 of 2015 in Special C.C.No.24 of 2013 on the file of the Special Court for Prevention of Corruption Act, Coimbatore.

For petitioner : Mr.Appasamy for
Mr.S.Muthumani Doraisami

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

O R D E R

This Criminal Revision Case has been directed against the order dated 5.5.2015 passed in Crl.M.P.No.137 of 2015 in Special Calendar Case No.24 of 2013 by the Special Court for cases under Prevention of Corruption Act, Coimbatore.

2. The revision petitioner herein, as petitioner, has filed Crl.M.P.No.137 of 2015 in Special C.C.No.24 of 2013 praying to hand over locker key bearing No.51, Corporation Bank, wherein the present respondent has been shown as sole respondent.

3. It is averred in the petition that the petitioner is having locker bearing No.51 at Corporation Bank, wherein he kept some jewels and those jewels are required on the eve of marriage of his daughter. Under such circumstances, present petition has been filed for getting the relief sought therein.

4. The court below, after considering the divergent contentions raised on either side, has dismissed the petition. Against the dismissal order passed by the court below, the

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

present Criminal Revision Case has been preferred at the instance of the petitioner as criminal revision petitioner.

5. The learned counsel appearing for the revision petitioner has contended that the jewels kept in the locker bearing No.51 are very much essential for celebrating marriage of daughter of the petitioner and therefore, the petition has been filed, but the court below, without considering the nature of relief sought in the petition has erroneously dismissed the same and therefore, the dismissal order passed by the court below is liable to be set aside.

6.Per contra, the learned Additional Public Prosecutor for the respondent has contended that the marriage of daughter of the petitioner has been fixed on 3.3.2015 and the same has been performed and the court below, after considering the factum of marriage, has rightly dismissed the petition and therefore, the dismissal order passed by the court below does not require any interference.

7. It is seen from the records that the petitioner has served as Village Administrative Officer during the check period. The petitioner has faced charges under section 13(2) r/w 13(1)(e) of Prevention of Corruption Act,1988. During the course of investigation, locker No.51 has been freezed and proper inventory has also been taken.

8. Considering the fact that the petitioner has faced charges under section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 and also considering that proper inventory has also been taken and further the marriage of daughter of the petitioner has already been performed, it is needless to state that the order passed by the Court below is perfectly correct and the same does not call for any interference.

In fine, this Criminal Revision Case is dismissed. The order dated 5.5.2015 passed by the trial court in Crl.M.P.No.137 of 2015 is confirmed. The trial court is directed to dispose of Calendar Case No.24 of 2013 before the end of February 2016 and report the same to the Registry without fail.

ajr

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

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

2. The Deputy Superintendent of Police
   Vigilance and Anti Corruption
   Coimbatore District

3. The Public Prosecutor, High Court, Madras.

+ 1 cc to M/s.Muthumani Doraisami, Advocate SR 60326

pa(co)
prk25/11

Crl.R.C.No.869 of 2015

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/