

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14-08-2015

CORAM:

THE HONOURABLE MR. JUSTICE A. SELVAM

Cr1.R.C.No.1057 of 2013
and
M.P.No.1 of 2013

P.Sivakumar

...Petitioner/
Petitioner/Accused

Vs.

State by:

The Inspector of Police
Vigilance and Anti Corruption Department
Special Investigation Cell
Chennai - 600 028.
(Cr.No.14/2009/AC/HQ)

...Respondent/
Respondent/Complainant

Criminal Revision Case against the order passed by the Honourable Chief Judicial Magistrate, Thiruvallur in C.M.P.No.853 of 2012 in Spl.Case No.17 of 2010 dated 17-05-2013 by allowing this revision.

For petitioner : No appearance

For respondent : Mr. P. Govindarajan, APP

ORDER

This criminal revision case has been directed against the order, dated 17-05-2013, passed in C.M.P.No.853 of 2012 in Special Case No.17 of 2010 by the learned Chief Judicial Magistrate, Thiruvallur.

2. It is averred in the petition that the petitioner has been arrayed as a sole accused in Special Case No.17 of 2010, wherein a charge has been framed against him under Section 7, 13(1)(b) read with 13(2) of the Prevention of Corruption Act, 1988 ('the Act' in short) and further, it is stated in the petition that the petitioner has not demanded money from one Vedachalam, Cane

Assistant. Under the said circumstances, the present petition has been filed, so as to discharge the petitioner from the proceedings of Special Case No.17 of 2010.

3. The Court-below after considering the divergent contentions raised on either side, has dismissed the petition. Against the dismissal order, the present criminal revision case has been preferred.

4. Even though, the present criminal revision case has been posted today, the learned counsel appearing for the revision petitioner has not made his appearance. Under the said circumstances, on the basis of the available materials and also on the basis of the contentions put forth on the side of the respondent, this criminal revision case is disposed of on merits.

5. The learned Additional Public Prosecutor has contended that the specific allegation made against the petitioner is that he demanded a sum of Rs.5000/- (Rupees five thousand only) from the defacto complainant so as to recommend his request for transfer from Thiruvallur to Chengalpattu Division and accordingly, a trap has been conducted wherein the defacto complainant has handedover a sum of Rs.5000/- (Rupees five thousand only) to the petitioner. Under the said circumstances, proper investigation has been done and a final report has been filed and subsequently, the same has been taken on file in Special Case No.17 of 2010. The Court-below after hearing both sides and upon perusing the relevant materials has framed a charge against the petitioner under Section 7, 13(1) (b) read with 13(2) of the Act and the Court-below after considering the rival contentions raised on either side has rightly dismissed the petition filed under Section 239 of the Code of Criminal Procedure, so as to discharge the petitioner from Special Case No.17 of 2010 and therefore, the order passed by the Court-below need not be set aside.

6. The main contention put forth against the petitioner is that he has already filed W.P.No.25143 of 2011 on the file of this Court wherein an order has been passed on 15-02-2012 and as per the said order, the present petition has been filed.

7. This Court has perused the order passed in W.P.No.25143 of 2011 wherein no favourable order has been passed, so as to file the present petition. To put it in short, in W.P.No.25143 of 2011, no specific order is passed so as to deter prosecution against the petitioner. Therefore, it is needless to say that the present petition has been filed merely on frivolous grounds and the Court-below after considering the divergent submissions put forth on either side, has rightly rejected the case of the petitioner and

in view of the discussion made earlier, this Court is of the view that there is no merit in the criminal revision case.

8. In fine, the criminal revision case is dismissed and the order passed by the learned Chief Judicial Magistrate, Thiruvallur is confirmed. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

glp

To

The Inspector of Police,
Vigilance and Anti Corruption Department,
Special Investigation Cell,
Chennai - 600 028.

1 CC to Mr.S.Jayakumar, Advocate SR.No. 43160

1 CC to the Government Pleader, SR.No. 42986

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VGI (CO)
PSI (02.09.2015)

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