

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.10.2015

Coram

The Honourable Mr. Justice A.SELVAM

Crl. R.C.No.1396 of 2013
& M.P.No.1/2013

K.R.Selvaraj

.. Petitioner/7th Accused

vs.

State rep.by it
Deputy Superintendent of Police
Vigilance and Anti Corruption
Chennai

.. Respondent/complainant

Revision under Sections 397 and 401 of Criminal Procedure Code against the order dated 8.10.2013 passed in Crl.M.P.No.111 of 2013 in C.C.No.1 of 2010 on the file of X Additional City Civil and Sessions Judge (Special Judge for Anti Corruption Cases) Chennai.

For petitioner : Mr.P.Kumaresan for
Mr.G.B.Saravanabhavan

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

O R D E R

This Criminal Revision Case has been directed against the order dated 8.10.2013 passed in Crl.M.P. No.111 of 2013 in Special C.C.No.1 of 2010 by X Additional City Civil and Sessions Judge (Special Judge for Anti Corruption Cases), Chennai.

2. The revision petitioner herein, as petitioner, has filed Crl.M.P.No.111 of 2013 on the file of trial court under section 239 of Code of Criminal Procedure, 1973 praying to discharge him from the proceedings of Special C.C.No.1 of 2010, wherein the present respondent has been shown as sole respondent.

3. It is averred in the petition that the petitioner has no

connection whatsoever with the offences alleged to have been committed under section 120(b) r/w 409, 420, 167, 109 r/w 477 (A), 109 of Indian Penal Code r/w Section 13(2) r/w 13(1)(c) and 13(1)(d) of Prevention of Corruption Act. The petitioner has been arrayed as 7th accused in Special Calendar Case No.1 of 2010. Since the petitioner has no connection whatsoever with the alleged offences, he has been falsely implicated in Special C.C.No.1 of 2010. Under such circumstances, the petition in CrI.M.P.No.111 of 2013 has been filed for getting the relief sought therein.

4. The court below, after considering the rival contentions put forth on either side, has dismissed the petition. Against the dismissal order, present Criminal Revision Case has been filed.

5. The learned counsel appearing for the revision petitioner has contended that as per proceedings in Rc.No.46483/93/C2 dated 13.7.1993 of the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board, Chennai 108, the petitioner has been appointed as Special Officer of Avinashi Carpentry and Blacksmithy Industrial Cooperative Society and the said order has been signed on 20.7.1993 and in pursuance of the same, the petitioner has not joined as Special Officer in the said society and further, cheques in question have been given by the Government to the society on 21.3.1993 and 31.3.1993 and the same have been disbursed to various persons from 2.4.1993 to 7.5.1993 and in all the cheques, the petitioner has not put his signature and therefore, the petitioner has been falsely implicated in Special Calendar Case No.1 of 2010. Under such circumstances, the petition has been filed for getting the relief sought therein, but the Court below, without considering the contentions urged on the side of the revision petitioner, has erroneously dismissed the petition and therefore, the dismissal order passed by the Court below is liable to be interfered with.

6. Per contra, the learned Additional Public Prosecutor appearing for the respondent has contended that even though the petitioner has been appointed as per order passed in Rc.No.46483/93/C2 on 13.7.1993, in various documents relating to particular society he has put his signatures. Under the said circumstances, he has been arrayed as 7th accused in Special Calendar Case No.1 of 2010 and the Court below after considering the nature of involvement of the petitioner, has rightly

dismissed the petition and therefore, the dismissal order passed by the court below need not be set aside.

7. The short point involves in the present Criminal Revision Case is as to whether the petitioner has had any connection whatsoever with the issuance of cheques in question.

8. It is an admitted fact that the concerned order has been passed in Rc.No.46483/93/C2 on 13.7.1993 and the same has been signed on 20.7.1993, wherein it is stated that the petitioner has been appointed as Special Officer in Avinashi Carpentry and Blacksmithy Industrial Cooperative Society.

9. It is also equally an admitted fact that the cheques in question have been given by the Government to the said Society on 23.3.1993 and 31.3.1993 and the same have been issued to various persons from 2.4.1993 to 7.5.1993.

10. Since the order passed in Rc.No.46483/93/C2 is dated 13.7.1993 and signed on 20.7.1993 and since no acceptable/trustworthy documents have been filed on the side of the respondent for the purpose of showing that the revision petitioner has had connection with cheques in question, it is needless to state that the revision petitioner has been unnecessarily implicated in Special Calendar Case No.1 of 2010.

11. Further, this Court has analyzed the cheques in question, wherein signature of the revision petitioner is not found place. Under such circumstances, relief sought in the present revision case can easily be granted.

In fine, this Criminal Revision Case is allowed. Consequently, M.P.No.1 of 2013 is closed. The order passed in CrI.M.P.No.111 of 2013 in Special C.C.No.1 of 2010 by the court below is set aside and the petition filed in CrI.M.P.No.111 of 2013 is allowed.

Sd/-

Assistant Registrar (CS-VII)

True Copy

Sub Assistant Registrar

To

1. X Additional City Civil and Sessions Judge
(Special Judge for Anti Corruption Cases) Chennai.

2. Deputy Superintendent of Police
Vigilance and Anti Corruption
Chennai

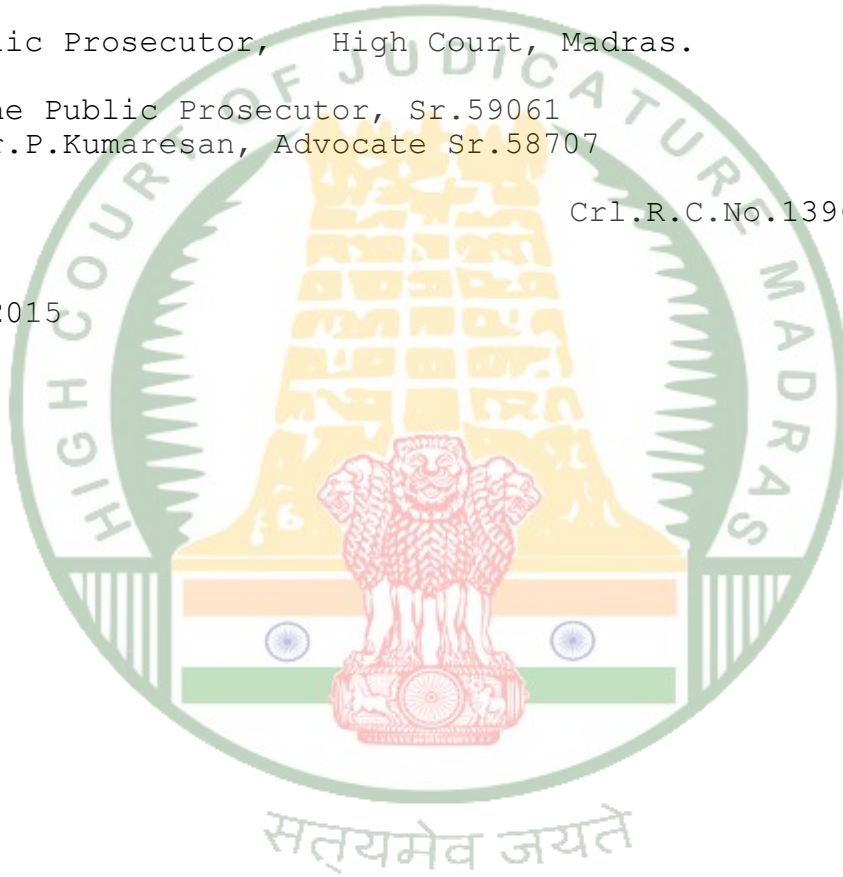
3. The Public Prosecutor, High Court, Madras.

+1cc to The Public Prosecutor, Sr.59061

+1cc to Mr.P.Kumaresan, Advocate Sr.58707

Crl.R.C.No.1396 of 2013

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srg 5/11/2015



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