

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

CrI.O.P No.25179 of 2015

&

M.P.No.1 of 2015

1. V.Sathiyamoorthi
2. T.S.Velusamy
3. R.Ravi
4. K.Nilavalaghan
5. P.V.Rajagopalan

...Petitioners (A3, 8, 13, 15 & 18)

Vs.

State rep.by
Inspector of Police
Vigilance and Anti Corruption
Chennai

...Respondent (Complainant)

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.55 of 2011 on the file of the Special Court for Vigilance and Anti Corruption, Chennai and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.Prabhakaran for
Mr.A.Saravanan

For Respondent : Mr.P.Govindarajan
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed under section 482 of Code of Criminal Procedure, 1973 praying to call for records relating to Calendar Case No.55 of 2011 pending on the file of Special Court for Vigilance and Anti Corruption, Chennai and quash the same.

2. It is averred in the petition that the petitioners have been arrayed as accused Nos.3, 8, 13, 15 and 18 in Calendar Case No.55 of 2011. Further it is stated in the petition that the petitioners and others are said to have committed offences punishable under sections 120-B r/w 167, 409, 420, 465, 467, 471 r/w 467 and 465, 218 and 161 of Indian Penal Code and also under section 5(2) r/w 5(1)(c) & (d) of Prevention of Corruption Act, 1947. Further it is stated in the petition that the petitioners have no connection whatsoever with the alleged offences and under the said circumstances, present petition has been filed for getting the relief sought therein.

3. The learned counsel appearing for the petitioners has contended that some of the accused in Calendar Case No.55 of 2011 have filed similar Criminal Original Petition and the same has been taken on file in Criminal Original Petition No.13062 of 2015 on the file of this Court and the same has been allowed mainly on the ground that the concerned approver has passed away and therefore, the same yardstick can be applied in the present petition.

4. The learned Additional Public Prosecutor has contended that in Criminal Original Petition No.13062 of 2015, an order has been passed, wherein this Court has come to a conclusion that the concerned approver has passed away and inordinate delay has occurred in conducting investigation.

5. Considering the aforesaid factual aspects and also considering the fact that the petitioners have been arrayed as accused Nos.3, 8, 13, 15 and 18 in Calendar Case No.55 of 2011, this petition can be allowed.

In fine, this Criminal Original Petition is allowed and the proceeding of C.C.No.55 of 2011 on the file of Special Court, Vigilance and Anti Corruption, Chennai is quashed in respect of the present petitioners. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Judge,
Special Court,
Vigilance and Anti Corruption,
Chennai

2. Inspector of Police,
Vigilance and Anti Corruption,
Chennai

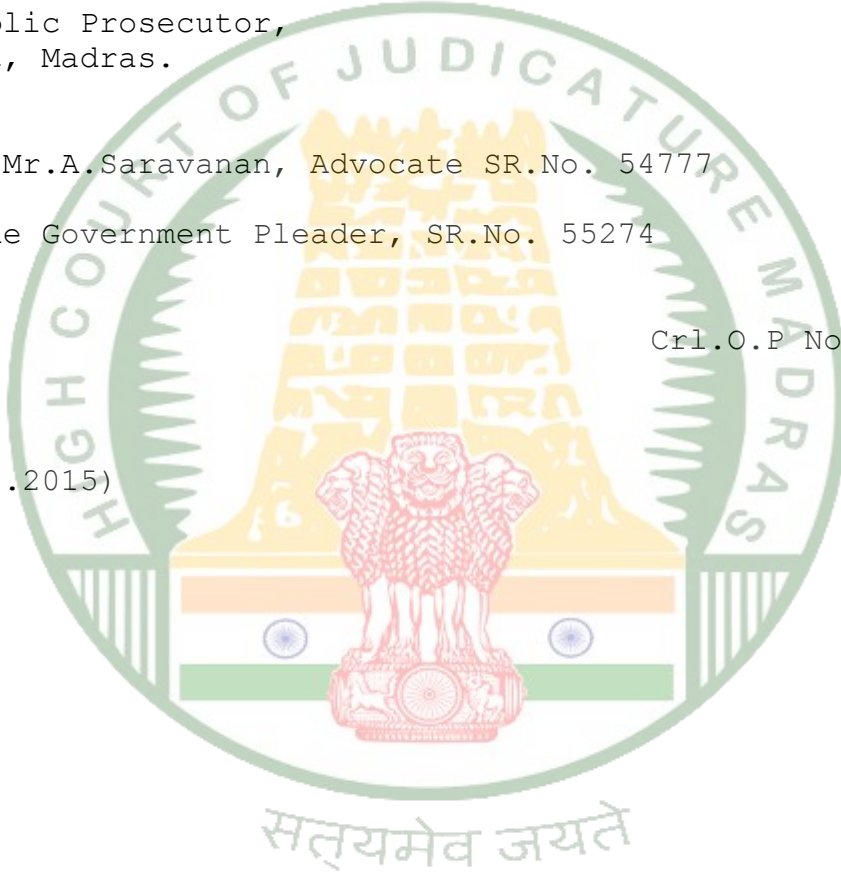
3. The Public Prosecutor,
High Court, Madras.

10 CCs to Mr.A.Saravanan, Advocate SR.No. 54777

1 CC to the Government Pleader, SR.No. 55274

Crl.O.P No.25179 of 2015

AK (CO)
PSI (14.10.2015)



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