

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.07.2015

Delivered on : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.28440 of 2014

and M.P.No.1 of 2014

Rajasekar Petitioner/3rd Accused

Versus

1.State rep.by
The Inspector of Police,
Muthupettai Police Station,
Muthupettai, Tiruvarur. Respondent/complainant

2.Padmavathy

3.Muthulakshmi Respondents/Accused No1&2

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the charge sheet in STC.No.863 of 2014 on the file of the Judicial Magistrate, Thiruthuraipundi, Tiruvarur District and quash the same.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.C.Emalias, Addl. Public
Prosecutor [for R1]

O R D E R

This petition has been filed to quash the charge sheet in STC.No.863 of 2014 on the file of the learned Judicial Magistrate, Thiruthuraipundi

2. Heard the learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials placed on record.

3. During the elections to the Lok Sabha in the year 2014, the flying squad of the Election Commission led by the Special Tahsildar were going around Thiruthuraipundi, in order to check electoral malpractices. On 04.04.2014, based on information, the flying squad went to the office of a women self-help group, where monies were being distributed to voters in the garb of sanctioning loan. On seeing the raiding party, the beneficiaries fled, but the petitioner and the co-accused who were distributing the cheques were apprehended and 46 cheques were recovered from them.

4. On the complaint lodged by the Tahsildar, investigation was conducted and a report has been filed for offences under Section 171[e] and 188 IPC before the learned Judicial Magistrate, Thiruthuraipundi, challenging which, the petitioner is before this Court.

5. Learned counsel for the petitioner submitted that the petitioner is only an Internal Auditor of the Madurai Micro Finance and that he has been falsely implicated. He also submitted that there are no independent witness to prove the offence.

6. This Court carefully perused the Final Report filed before the Court and also the accompanying statements of witnesses. In cases of this nature, one cannot expect an independent witness to come and give evidence because, election offences are clandestinely done and great efforts are required to prevent electoral malpractices for maintaining the purity of the election process. In this case, the officials are not Police officers, but Revenue officials led by the Special Tahsildar who had seized the cheques, when this petitioner and the co-accused were distributing to the beneficiaries. Though the petitioner is said to be the internal auditor, yet his presence has been found when the cheques were being distributed.

7. Hence, this is not a case, where there is absolutely no material for trial. In the result, this petition is devoid of merits and accordingly, dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
Muthupettai Police Station,
Muthupettai, Tiruvarur.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.28440 of 2014

vgi[col]
srg 27.07



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