



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

CRL.OP(MD)No.3267 of 2015

WEB COPY

S.Rajagopal

:Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2.The Superintendent of Police,
Southern Range,
The Directorate of Vigilance and Anti Corruption,
Greenways Road, Chennai.

3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Palayamkottai, Tirunelveli.

4.The Inspector of Police,
Vigilance and Anti Corruption Wing,
Tirunelveli. [in Crime No.10 of 2007].

:Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to withdraw the case from the file of the fourth respondent and entrust the case to the file of the third respondent to handle and assist the Trial Court in Special Case No.42 of 2014 [Old Special Case No.14 of 2008], on the file of the Special Court for Prevention of Corruption Act Cases, Tirunelveli, for ensuring fair trial.

For Petitioner : Mr.R.Gandhi
For Respondent : Mr.C.Ramesh
Additional Public Prosecutor

O R D E R

By consent, the main Criminal Original Petition itself is taken up for final disposal.

2. The petitioner herein is the *de facto* complainant in a case registered by the Vigilance and Anti Corruption Detachment, Tirunelveli, in Crime No.10 of 2007, under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, against Thiru R.Rajendran, formerly Inspector of Police, City Crime Branch, Tirunelveli City, Tirunelveli. The charge against the accused is that while he was working as Inspector of Police, City Crime Branch, Tirunelveli, between 21.08.2006 and 03.06.2007, he has demanded a sum of Rs.20,000/- as illegal gratification, on 12.05.2007 at about 22.30 hours as a motive or reward from the witness - S.Rajagopal, the petitioner herein, for referring the case in Crime No.17 of 2007, registered by the City Crime Branch against the wife. Subsequently, a trap was laid and the respondent/accused was said to have caught, when he accepted a sum of Rs.10,000/- by way of illegal gratification from the petitioner.



3. The grievance expressed by the petitioner, in this case, is that since the accused happens to be a Police Personnel, now under suspension, the fourth respondent, who is now handling the case, is not showing any keen interest and he is also aiding the accused to drag on the trial and therefore, the petitioner came forward to file the present Criminal Original Petition praying to withdraw the case from the file of the fourth respondent and entrust the same to the file of the third respondent for the purpose of monitoring the Special Case No.42 of 2014, properly, and for early completion of the same.

4. Mr.R.Gandhi, the learned counsel appearing for the petitioner, has drawn the attention of this Court to page No.11 of the typed set of papers and would submit that though the witnesses are co-operating with the respondents/prosecution, for early completion of the trial, the fourth respondent, for the reasons best known, has filed a memo before the Chief Judicial Magistrate, Tirunelveli, seeking for the issuance of non-bailable warrant for the purpose of producing the petitioner - PW-2 and his wife - PW-7 and it is also one of the circumstances to show that instead of prosecuting the case, properly, the fourth respondent is trying to pressurize the witnesses for favouring the accused and hence, prays for appropriate orders.

5. Per contra, Mr.C.Ramesh, the learned Additional Public Prosecutor appearing for the respondents, would submit that the fourth respondent is discharging his duties in a fair and proper manner and in any event, the Investigating Officer is the third respondent herein and he is also properly monitoring the progress of the case and hence, no orders are necessary in this case.

6. This Court, after considering the submissions made by the learned counsel appearing for the parties and also perusal of the typed set of documents, is of the view that it would be sufficient, if a direction is issued to the third respondent to, continuously, monitor the progress of the case and also issue appropriate guidelines to the fourth respondent so that the case can be disposed of at an early date.

7. In the result, the present Criminal Original Petition is disposed of and the third respondent is directed to monitor the case and also issue appropriate guidelines/advise to the fourth respondent for early completion of the trial.

Sd/-

Assistant Registrar(Crl.side)

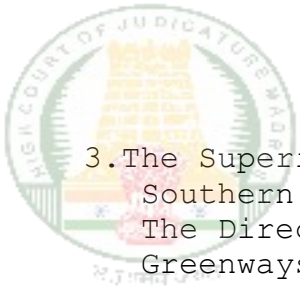
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Sub Assistant Registrar

To

1.The Special Judge
for Prevention of Corruption Act Cases,
Tirunelveli.

2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.



3.The Superintendent of Police,
Southern Range,
The Directorate of Vigilance and Anti Corruption,
Greenways Road, Chennai.

4.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Palayamkottai, Tirunelveli.

5.The Inspector of Police,
Vigilance and Anti Corruption Wing,
Tirunelveli.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.R.Gandhi, Advocate in SR.8927

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DATED - 25.02.2015

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PBK 09/03/2015 ::3P-8C: