

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.34786 of 2013
M.P.Nos.1 and 2 of 2013

K.Kamalanathan

... Petitioner

Vs

1.The Commissioner,
Office of the Disciplinary
proceedings Commissioner,
Kuralagam, Chennai-1

2.The Deputy Superintendent of Police
The Directorate of Vigilance and Anti Corruption
City I Detachment, NCB, 24, Greams Road,
Kumarasamy Raja Salai,
Chennai-28

... Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent pertaining to the order issued in Ref.No.Na.Ka.No.A1/1359/2007, dated 19.4.2002 and to quash the same and consequently to direct the 1st Respondent to recall PW.1 and PW.3 for cross examination and to expunge the entire evidence recorded by the 1st Respondent pertaining to the statement of PW.1 Rasool Khan and PW.3 M.P.Gopal in chief examination.

For Petitioner : Mr.S.Xavier Felix

For Respondent : Mr.Rajendra Prasad,
Government Advocate

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ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent pertaining to the order issued in Ref.No.Na.Ka.No.A1/1359/2007, dated 19.4.2002 and to quash the same and to direct the 1st Respondent to recall PW.1 and PW.3 for cross examination and to expunge the entire evidence recorded by the 1st Respondent pertaining to the statement of PW.1 Rasool Khan and PW.3 M.P.Gopal in chief examination.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The only grievance of the Petitioner is that when he sought to cross examine PW.1 and PW.3, it was denied. According to the Petitioner, he was present in the court on 8.11.2010 and examination was conducted in the morning between 12.45 p.m. to 2.00 p.m. and thereafter, it was posted for cross examination at 2.45 p.m. Though the junior counsel was present, the learned senior counsel could not be present from the High Court and he came at 4.20 p.m. At that time, he was directed to cross examine the said witnesses within five minutes, for which he sought for time and since he could not cross examine within five minutes, the presiding officer has rejected his request to cross examine on another day. Hence, this Writ Petition has been filed. In the meanwhile, since the presiding officer was not functioning, the matter has been kept pending and now, it is functioning.

4. The learned counsel for the Petitioner has submitted that he will cross examine on the date to be fixed by the authority without fail and cooperate with the enquiry for speedy disposal.

5. The learned Government Advocate for the Respondents would contend that if the Petitioner cooperates with the enquiry, it will be completed within two months.

6. Considering the submissions of the learned counsel on either side, the authority concerned is directed to permit the Petitioner to cross examine on the date to be fixed by him. It is also made clear that the Petitioner will appear and cross examine on that date without fail and complete his cross examination and also cooperate with the enquiry on the dates to be posted by the authority. The enquiry shall be completed within two months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MPs are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

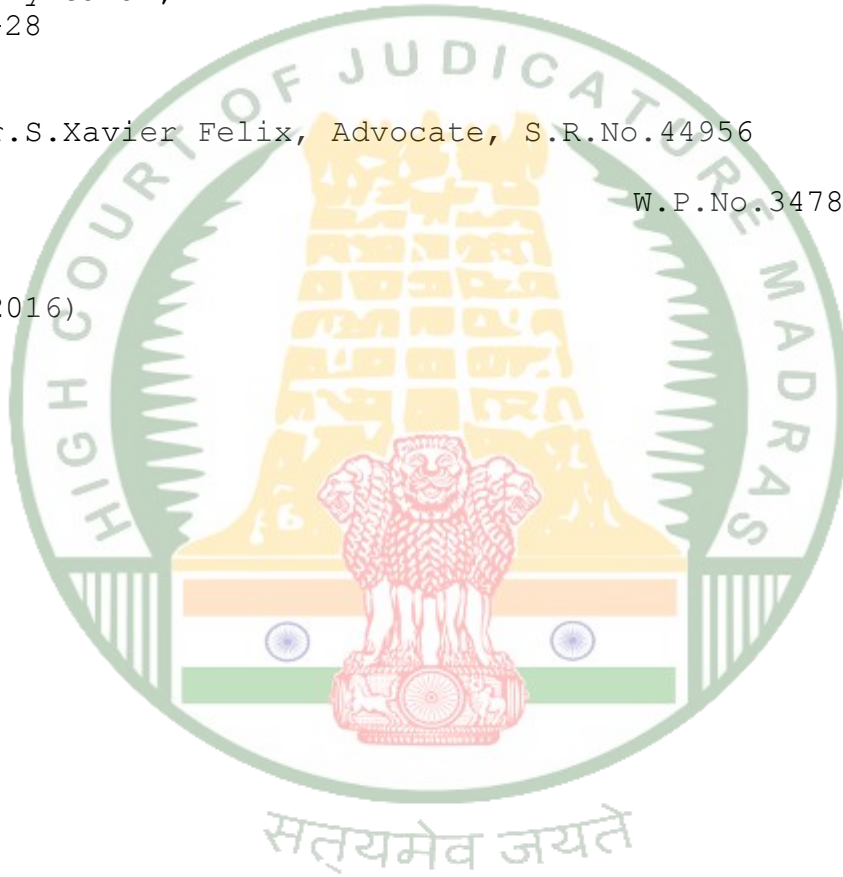
To:

- 1.The Commissioner,
Office of the Disciplinary
proceedings Commissioner,
1st Floor, Kuralagam, Chennai-1
- 2.The Deputy Superintendent of Police
The Directorate of Vigilance and Anti Corruption
City I Detachment, NCB, 24, Greams Road,
Kumarasamy Salai,
Chennai-28

+1cc to Mr.S.Xavier Felix, Advocate, S.R.No.44956

W.P.No.34786 of 2013

PVS (CO)
CA(31/08/2016)



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