

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.20036 of 2017 &
Crl.MP.No.12077 of 2017

K.Malarvizhi

.. Petitioner

Vs.

State represented by
The Inspector of Police
Vigilance and Anti-Corruption
Salem.
(Cr.No.11/AC/2013)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 08.09.2017 passed in Crl.M.P.No.578/2017 in Spl.C.C.No.116/2014 by the learned Special Judge, Special Court for trial of cases under Prevention of Corruption Act, Salem.

For Petitioner : Mr.T.Surendran

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)

ORDER

The petitioner herein has sought for certain documents under Section 91 of the Code of Criminal Procedure, apprehending that L.W.13 to L.W.30 were given statement regarding the nature of work done by the petitioner may be spoken by the witnesses and to confront the credibility of the said witnesses, these documents are required. However, on perusal of the list of documents sought for by the petitioner, it appears that the pocket diary, property register, visitor's book pertaining to the period from 16.08.2013 to 13.12.2013 are sought for under Section 91 of the Code of Criminal Procedure.

2.The case against the petitioner is that, she demanded bribe to refer the criminal complaint lodged against one Irusayi and her two sons, based on the complaint given by one Subramani on 10.11.2013. In connection with the said case, Irusayi has approached the petitioner and she promised to refer the case, if she is rewarded with illegal gratification. Accordingly, a trap was laid on 13.12.2013 and the petitioner was arrested red-handed while receiving bribe money from Irusayi. The trial Court has dismissed the petition filed under Section 91 of Cr.P.C., on the ground that the documents sought for are not relevant and exercising discretionary power conferred with the Court under Section 91 of Cr.P.C.,

the trial Court has declined to exercise the power in favour of the petitioner.

3.The learned counsel appearing for the petitioner submits that the L.W.13 to L.W.30 have spoken length about the activity of the petitioner as Sub-Inspector of Police, Kannankurichi Police Station, Salem, especially, ever since, she had serving in the said station. Further, it is alleged in their statements that the petitioner herein never used to make entry in the general diary and put her initials. Instead, the other police officials make entry on her behalf. Similarly, she has wealth of information about her way of functioning in the police station. Hence, to confront her, the documents sought under Section 91 of Cr.P.C is relevant.

4.On perusal of the 161 Statement of Murugan, no doubt, it deals at length with the function of the petitioner. However, the case under trial is related to demand and acceptance of bribe by the petitioner from Irusayi on 13.12.2013. The other informations furnished by the witnesses under 161 Statement are literally irrelevant for the case in hand. Anyhow, if the said witnesses are going to be examined by the prosecution and if they speak about any of the fact in connection with the records maintained by the police station and those records have to be furnished to the accused, earlier. The petitioner is at liberty to call for those records so as to confront the prosecution witnesses. This direction shall apply only to

the list of witnesses mentioned who are police personnel attached to Kannan kurichi police station, Salem, examined by the prosecution during the trial of the C.C.No.116 of 2014.

Index:Yes/No

21.09.2017

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To

- 1.The Inspector of Police
Vigilance and Anti-Corruption
Salem.
- 2.The Public Prosecutor,
High Court, Madras.



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DR.G.JAYACHANDRAN.J,

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