

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.116 of 2017
and
Crl.M.P.No.1274 of 2017

K.R.Anandha Sainam @ LCT Babu. ... Petitioner

Vs.

State represented by,
The Inspector of Police
Vigilance Anti-corruption Police Station,
Tiruppur District. Respondent

Prayer: Criminal Revision has been filed under Section 397 r/w. Section 401 of the Criminal Procedure Code to set-aside the order made in Crl.M.P.No.79 of 2014 in Spl.C.C.No.18 of 2013 dated 22.04.2016 on the file of the Special Judge, Special Court for cases under Prevention of Corruption Act, Coimbatore District for discharge of the petitioner in Crime No.2 of 2012 on the file of the respondent.

For Petitioner : Mr.I.Abrar Md Abdullah

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

सत्यमेव जयते
O R D E R

This Criminal Revision Petition has been filed by the petitioner to set-aside the order passed by the Special Judge, Special Court for Prevention of Corruption Act, Coimbatore in Crl.M.P.No.79 of 2014 in Spl.C.C.No.18 of 2013 dated 22.04.2016.

2. According to the petitioner, he has no role to play in this case. He is only a seller of the goods and there is no materials against this petitioner to frame charge against him.

3. The learned counsel for the petitioner would submit that A1 was already discharged by this Court. In the earlier

occasion, he has represented the same, hence, he was directed to produce the copy of the order, but he was not able to produce the copy of the said order. Therefore, this Court is not inclined to consider that, even otherwise, since, because the 1st accused was discharged on the ground that there is no prima facie case against him, this petitioner is also entitled to be discharged on the ground that the co-accused has been already discharged.

4. This Court has to independently look into the materials available on records in this case as to whether prima facie case is made out against the petitioner and also is there any incriminating materials to proceed further against this petitioner.

5. The learned Government Advocate (Crl.Side) would submit that there is an allegation against the petitioner and the oral and documentary evidence collected during the course of investigation reveal that there are enough materials are available to frame charges against the petitioner and the trial Court has discussed all the above facts elaborately and rightly dismissed the discharge petition filed by the petitioner. There is no reason to interfere with the order passed by the trial Court. Therefore, this petition is liable to be dismissed.

6. Heard the rival submissions made on both sides and perused the records. On perusal of the materials available before this Court such as copy of charge sheet, the petition filed before the trial Court in Crl.M.P.No.79 of 2014, counter filed by the respondent and the order passed by the trial Court in Crl.M.P.No.79 of 2014 In Spl.C.C.No.18 of 2013 dated 22.04.2016 and also the statements recorded under section 161 Cr.P.C by the investigation agency during the course of investigation, it reveals that there are enough materials are available against this petitioner.

7. This Court also finds prima facie case against this petitioner and there are incriminating materials available against this petitioner to proceed further. Under the above said circumstances, this Court also time and again reiterate the proposition of law, at the stage of framing of charges the Court has to only look into the materials placed by the investigation agency along with the final report filed u/s.173 of Cr.P.C.

8. On perusal of final report and oral and documentary evidence produced along with the final report, as already stated there are sufficient incriminating materials are available against the petitioner to proceed further. Therefore, under these circumstances, I do not find any illegality, infirmity or perversity in the order passed by the trial Court and there is

no valid reason to interfere with the order passed by the trial Court in CrI.M.P.No.79 of 2014 in Spl.C.C.No.18 of 2013 dated 22.04.2016.

9. In the result, this Criminal Revision petition stands dismissed. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Special Judge,
Special Court for Cases under Prevention of
Corruption Act,
Coimbatore.
2. The Inspector of Police
Vigilance Anti-corruption Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.I.Abrar Md Abdullah, Advocate, S.R.No.52676

सत्यमेव जयते

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GJII(CO)
CS/17/08/17

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