

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2017

Coram:

The Hon'ble Dr.Justice G.Jayachandran

Criminal Revision Case No.1405 of 2017

Daisy Venisda Rani

..Petitioner/Petitioner

/versus/

State of Tamil Nadu

Rep.by Deputy Superintendent of Police,
Tamil Nadu Vigilance and
Anti Corruption Wing,
Krishnagiri.

.. Respondent/Respondent

Criminal Revision Case is filed under Section 397 and 401 of the Criminal Procedure Code against the order dismissing the discharge petition dated 26.05.2017 in CrI.M.P.No.681 of 2012 in Spl.C.C.No.6 of 2012 on the file of the Court of Chief Judicial Magistrate(Special Court) at Dharmapuri.

For Petitioner :Mr.R.T.Shyamala

For Respondent :Mr.P.Govindarajan,
APP for CrI.Side

O R D E R

The petition is directed against the dismissal of discharge petition filed by one Daisy Venisda Rani, who is arrayed as A15 in Spl.C.C.No.6 of 2012 on the file of the Special Judge, Chief Judicial Magistrate, Dharmapuri.

2. The contention of the petitioner is that she though hails from Thirunelveli District, she got her employment registration in Krishnagiri District duly furnishing all the particulars and based on her seniority, she was called for appointment as Secondary Grade Teacher. However, relying upon G.O.Ms.No.66, Labour and Employment (N2) Department, Dated 15.07.2002, much after her registration at Krishnagiri District, a case has been foisted against her as if she has re-registered at Krishnagiri District in violation of G.O.Ms.No.66, Labour and Employment (N2) Department, Dated 15.07.2002, suppressing her earlier registration in Thirunelveli District. Based on the said fact, a

discharge petition was filed before the trial Court and the trial Court has rejected the said plea after perusing the counter filed by the prosecution as well as the records relied on by them. The same issue is now agitated before this Court by way of filing original petition on the ground that the trial Court has not properly gone through the materials placed by the prosecution as well as the materials herein. If the Court has properly perused the records, the trial Court could have come to a right conclusion that they do not have material to prosecute petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4. A perusal of the impugned order passed by the trial Court indicates that a detail analysis of the materials has been done by the trial Court before dismissing the petition. The core issue is whether the registration at Krishnagiri Employment Exchange on 10.06.2002 is a genuine registration furnishing all the details by the petitioner or any manipulation or fraudulent entry had been made to circumvent G.O.Ms.No.66, Labour and Employment (N2) Department, Dated 15.07.2002.

5. From the records as pointed out by the learned Additional Public Prosecutor appearing for the State, it appears that the petitioner got appointment based on her seniority under the new registration dated 25.09.2003 at Krishnagiri District, whereas this new registration has been taken place by suppressing her earlier registration at Thirunelveli District. Though on record it appears that the petitioner got her name registered in Krishnagiri District Employment Exchange on 10.06.2002, it reveals that this entry has been done by inserting the name of the petitioner in the place of already omitted at registration No.1792/2002 of X63 Book. If it is so, it is for the petitioner to face the trial and disprove the averment of the prosecution based on the records collected by them during the course of investigation. This Court cannot interfere or entertain the petition to discharge the petitioner herein, when there is prima facie materials to indicate that her registration on 10.06.2002 at Krishnagiri Employment Exchange itself, is out come of conspiracy and forged entries, in connivance with the officials of the employment exchange. Therefore, this Court finds that there is no merits in this petition to interfere with the well considered order of the trial Court.

6. Hence, this Criminal Revision Case is dismissed. However, it is made clear that this order or the order passed by the trial Court shall not stand in the way of the petitioner to put forth her defence during the course of trial to prove her

innocence. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Tamil Nadu Vigilance and Anti Corruption Wing,
Krishnagiri.

2.The Public Prosecutor, High Court, Madras.

3.The Chief Judicial Magistrate,
Special Court at Dharmपुरi

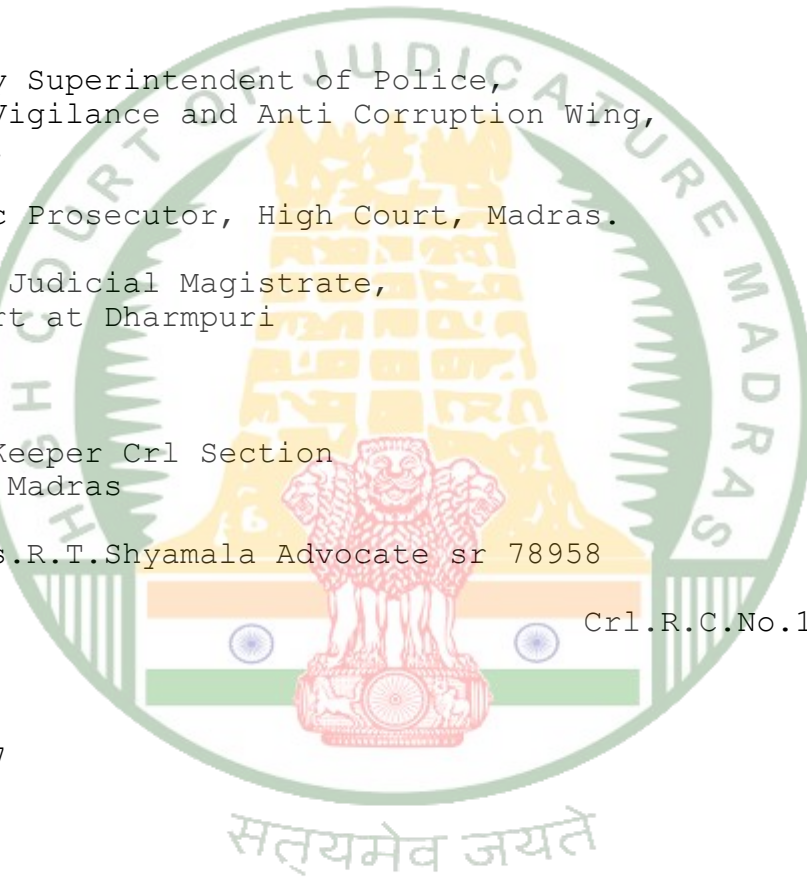
copy to

The Record Keeper Crl Section
High Court, Madras

+1 cc to M/s.R.T.Shyamala Advocate sr 78958

Crl.R.C.No.1405 of 2017

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