

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.7945 of 2017 &
WMP.8702 & 8703 OF 2017

K.Kamalanathan

.. Petitioner

Vs

1. The Deputy Superintendent of Police,
Directorate of Vigilance & Anti-Corruption,
City I Detachment, NCB, 24,
Kumarasamy Raja Salai,
Greens Road, Chennai - 28.
 2. The Commissioner,
O/o. Disciplinary Proceedings Commissioner,
3rd Floor, Kuralagam, Chennai - 1.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to accept the certified copies of the First Information Reports on file, tendered by the petitioner and mark as Defence Exhibits without insisting upon to produce the certified copies of other connected further documents of the investigation to judgments pertaining to the First Information Reports from various courts, in TDP Case No.33 of 2007 pending on the file of the second respondent.

For petitioner : Mr.S.Xavier Felix

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

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O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the second respondent / the Commissioner, Office of the Disciplinary Proceedings Commissioner, Chennai, to accept the certified copies of the First Information Reports on file, tendered by him.

2. It is submitted by the learned counsel for the petitioner that he was issued with a charge memo in COP.No.2424 in RC No.71967/PR.I(2)/CPO/2006, dated 21.09.2006, on the basis of a false complaint lodged by a notorious criminal having offences under Section 420 of IPC for cheating the innocent in the guise of doubling of currency note by name one Rasool Khan, who was also an accused in C2 Elephant Gate Police Station in Crime No.422 of 2006, and thereafter, a charge sheet was also filed in C.C.No.3504 of 2007 on the file of the VIII Metropolitan Magistrate Court, George Town, Chennai. It is further stated that the petitioner was able to gather all the particulars of FIR from various Courts filed against the de-facto complainant and at the time of cross-examination, when he sought permission to mark these certified copies of the FIRs, the Enquiry Officer, for the reasons best known to him, has not permitted him to mark those documents. Therefore, it is further stated that if the certified copies of the FIRs registered against the petitioner and also a copy of the subsequent charge sheet are produced, the Enquiry Committee would be able to appreciate the case of the petitioner as well as the de-facto complainant, therefore, a direction may be given to mark those certified copies of FIRs.

3. Per contra, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, by accepting the notice for the respondents, submitted that in the notice dated 31.03.2017, the petitioner was directed to attend the enquiry, which is to be held on 04.04.2017 at 11 a.m., for examination of prosecution witnesses. Therefore, the petitioner, in order to avoid his appearance, has come to this Court, hence, the writ petition filed by him seeking a prayer cited supra cannot be entertained. However, he submitted, if the petitioner is keeping all the certified copies of the FIRs, the same can be marked, so that they can proceed with the enquiry without further adjournments or delay.

4. In reply, it is stated by the learned counsel for the petitioner that the petitioner is always ready to take part in the enquiry.

5. Recording the above said submissions of the learned Special Government Pleader for the respondents, the second respondent is directed to receive the certified copies of the FIRs filed against the de-facto complainant and thereafter, to

proceed with the same in a manner known to law. The petitioner is at liberty to produce the certified copies of FIRs ***on 25.04.2017. Accordingly, this writ petition is disposed of. No Costs. Consequently connected Miscellaneous Petitions are closed.**

***Amended as per order
of this court, dt. 07/4/2017
made in W.P.No. 7945/17**

sd/-

Assistant Registrar (CS II)

-s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
Directorate of Vigilance & Anti-Corruption,
City I Detachment, NCB, 24,
Kumarasamy Raja Salai,
Greens Road, Chennai - 28.

2. The Commissioner,
O/o. Disciplinary Proceedings Commissioner,
3rd Floor, Kuralagam, Chennai - 1.

+2 CCs to Mr. Xavier Felix, Advocate sr *21185
+1 CC to Govt. Pleader sr 20236

To be
Substituted in
the place of
order
despatched on
05/04/2017

W.P.No. 7945 of 2017

LRS (CO)
sp/5/4
ss (10/4/2017)

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