IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.24517 of 2017 &
Crl.M.P.Nos.14183 and 14184 of 2017

K.Sundararajan .. Petitioner

Vs.

State Represented by its
Inspector of Police
Vigilance and Anti Corruption
Salem
Cr.No.01.AC/2014 .. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Spl.C.C.No.5 of 2015 on the file of the learned Judge for Prevention of Corruption Cases, Salem and to quash the same.

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor (Crl.Side)

ORDER

Seeking to quash the criminal proceedings pending in Spl.C.C.No.5 of 2015 on the file of the learned Judge for Prevention of Corruption Cases, Salem on the premise that the alleged demand of illegal gratification is totally imaginary and unsupported by the document relied by the prosecution, the petitioner is before this Court with this petition.

2. The learned counsel for the petitioner contended that the petitioner was serving as a Block Development Officer(B.D.O.) and was in charge of forwarding the proposals under the Self Sufficiency Scheme(for the financial year 2013-14), wherein 1/3rd of the expenditure will be contributed by the State and the remaining by the villagers themselves. The de-facto complainant/ village President, has lodged a complaint against the petitioner/B.D.O. that the B.D.O. who has sent the estimates

for technical sanction has demanded a sum of Rs.10,000/- as illegal gratification and also had stated that if any scheme is executed, a majority contribution of the amount allocated must be given as his share. Accordingly, while receiving the tainted money, the petitioner herein was caught by the vigilance officials.

3. The main contention of the petitioner herein is that even before the alleged offence of receiving the tainted money, he has already forwarded his recommendation to the Collector and the Collector passed an order dated 31.01.2014 for payment. While so, the alleged demand of illegal gratification on 28.02.2014 and subsequent to the date of acceptance of tainted money is highly improbable and it cannot be taken as a demand on the motive to grant final sanction.

4. The learned special Public Prosecutor submits that after framing of charges, three witnesses on the side of prosecution has been examined. The defense taken by the petitioner is purely a question of fact which has to be proved at the time of trial.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

6. This Court is fully convinced with the views submitted on the side of the Additional Public Prosecutor and hence, this Criminal Original Petition is dismissed, with liberty to the petitioner/accused to raise his plea in the course of trial. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Special Court Judge,
Prevention of Corruption Act Court,
Salem.

2. The Inspector of Police,
Vigilance and Anti Corruption,
Salem.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.80573

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RRK(13/12/2017)