



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C.(MD) No.202 of 2016

J.John De Britto

... Petitioner

Vs.

The Inspector,
Vigilance and Anticorruption Section,
Dindigul.

... Respondent

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the records and set aside the order passed in Cr.M.P.No.1322 of 2015 in special C.C.No.3 of 2015, dated 04.02.2016 on the file of the Chief Judicial Magistrate, Dindigul and consequently issue a direction to send the seized currency notes to expert for the purpose of ascertaining whether the finger print of the petitioner is found in the seized currency notes of the special C.C.No.3 of 2015.

For Petitioner : Mr.A.M.Singarayachinnaraja

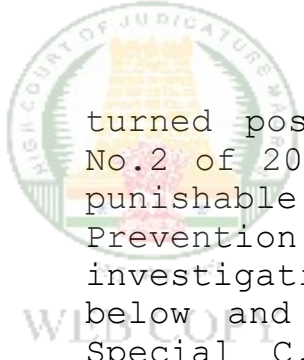
For Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor.

ORDER

Challenging the dismissal order passed by the Court below in a petition filed under Section 45 (b) of the Indian Evidence Act, 1872 to send currency notes to the finger print expert for the purpose of ascertaining whether the finger print of the petitioner is found in the currency notes, the present Criminal Revision Case has been filed.

2.The facts in a nutshell is as follows:-

While the petitioner was working as Revenue Inspector, Chinnalapatti Firka, he demanded a sum of Rs.13,000/- for issuing legal heir certificate to one M.Ganesh Pandi who is the defacto complainant. Therefore, he made a complaint to the respondent and based on the said complaint, a trap was arranged and the petitioner was caught red handed and a sum of Rs.13,000/- was seized. Thereafter, phenolphthalein test has been conducted which



turned positive. Subsequently, a case was registered in Crime No.2 of 2014 on the file of the respondent police for the offence punishable under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. After completing investigation, a final report has been filed before the Court below and the Court below taken cognizance of the offence in Special C.C.No.3 of 2015. While so, the petitioner filed a petition alleging that he neither demanded nor received any money from the defacto complainant and the amount has been forcibly kept by the defacto complainant with the help of police in the table of the petitioner and if the petition is allowed and the currency notes seized from him sent to the finger print expert, the truth will come into light. Upon consideration of the materials available on record, the Court below dismissed the petition holding that it is a trap case and phenolphthalein test has been conducted by the respondent which turned positive and therefore, the relief sought for by the petitioner to send the currency notes to the finger print expert is not warranted. Aggrieved over the same, the present Criminal Revision Case has been filed.

3.I have heard Mr.A.M.Singarayachinnaraja, learned counsel for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor for the respondent.

4.The relief sought for by the petitioner is to send the seized currency notes to the finger print expert to find out whether the finger print of the petitioner is found in the currency notes. Admittedly, it is a trap case and the petitioner caught red handed and thereafter, phenolphthalein test has been conducted which has also been turned positive. The Court below, after considering the entire materials available on record, has rightly dismissed the petition filed by the petitioner holding that since the phenolphthalein test turned positive, there is no necessity to send the currency notes which were seized from the petitioner to the finger print expert which is immaterial. In view of the above, I find no irregularity or infirmity in the order passed by the Court below. Accordingly, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector,

<https://hcservicescourts.org/hcservices/> and Anticorruption Section,
Dindigul.



2.The Chief Judicial Magistrate, Dindigul.

Sms

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Order made in
Crl.R.C.(MD) No.202 of 2016
11.07.2017