



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.511 of 2016

K.C.Shanmugasundaram

... Petitioner/Petitioner

-Vs-

1.The Inspector of Police,
Vigilance and Anti Corruption,
Trichy.

2.K.M.Prabhakaran

... Respondents/Respondents

Prayer : Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, against the order, dated 14.06.2016, passed in Crl.M.P.No.235 of 2015 in Crime No.14 of 2005, by the learned Special Judge, Prevention of Corruption Act, Trichy and set aside the same and consequently allow the Criminal Revision Petition.

For Petitioner : Mr.S.Ravi

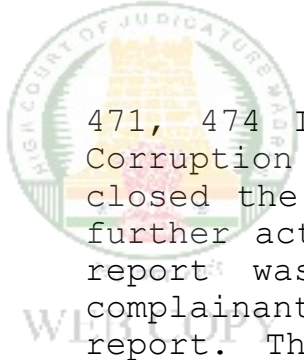
For Respondent No.1 : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

O R D E R

Challenging the order, dismissing the protest petition filed by the petitioner, the present Criminal Revision Case has been filed.

2. Earlier the petitioner has given a complaint against the second respondent herein alleging that he was working as a Motor Vehicle Inspector at Regional Transport Office, Trichy and on 17.06.2004, a mini-bus owner, showing false records regarding a mini-bus bearing Registration No.TN-57-N-217, obtained a fitness certificate and alleged that the second respondent also involved in the corrupt practice.

3. Based on the complaint given by the defacto complainant, a case has been registered by the first respondent in Crime No.14 of 2005, for the offences punishable under Sections 420, 423, 466, 468,



471, 474 IPC., read with Section 13(2) & 13(d) of Prevention of Corruption Act, 1988. After investigation, the first respondent closed the complaint and dropped the proceedings, stating that, no further action in this case is necessary. Subsequently, after final report was filed, without issuing any notice to the defacto complainant, the learned Judicial Magistrate accepted the final report. Thereafter, the petitioner filed a revision before this Court, in CrI.R.C.(MD).No.504 of 2015, and this Court allowed the revision, on 15.06.2015, with a direction to the respondent police to issue RCS notice to the defacto complainant. Thereafter, notice was issued to the petitioner and he has also filed his objection, after considering his objection, the Court below accepted the final report and dismissed his protest petition. Now, challenging the same, the present revision has been filed.

4. I have heard Mr.S.Ravi, learned counsel appearing for the petitioner and Mr.C.Mayilvahan Rajendran, Additional Public Prosecutor appearing for the respondent and perused the materials available on record carefully.

5. From the perusal of the First Information Report and the statement of the petitioner, there is no allegation of any corrupt practice on the accused. The only allegation was that the mini-bus owner, showing some false records obtained a fitness certificate, apart from that there is a dereliction of duty on the part of the accused. From the records, it is seen that for the dereliction of duty, a departmental proceedings was already initiated against the second respondent and after enquiry, the Enquiry Officer held that the charges were not proved, subsequently the departmental proceedings against the second respondent was also dropped.

6.Considering the entire materials available on record, the Court below dismissed the protest petition and I have gone through the records and from the materials available on record, no allegation of corruption has been made against the second respondent, and the Court below also correctly came to the conclusion and there is no material available against the second respondent to proceed further.

7. In the above circumstances, I find no illegality or irregularity in the order passed by the Court below. Hence, this criminal revision case is liable to be dismissed and accordingly, this criminal revision case is **dismissed**.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

- 1.The Special Judge for Cases
under Prevention of Corruption Act Cases,
Tiruchirappalli District.

- 2.The Inspector of Police,
Vigilance and Anti Corruption,
Trichy.

- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.SARAVANAN, ADVOCATE IN SR No. 67877

PJL

TE/JC/SAR-II : 18/08/2017 : 3P/5C

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26.07.2017