

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.03.2018

Pronounced on : 02.04.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9595 of 2018

K.Malarvizhi

... Petitioner

Vs.

State represented by the
Inspector of Police,
Vigilance and Anti Corruption,
Salem

... Respondent

Prayer: Criminal original petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 21.02.2018 passed the process Memo in Special C.C.No.116/2014 on the file of the Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Salem.

For Petitioner : Mr.K.V.Sridharan
For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

This petition is filed under Section 482 of Cr.P.C seeking order of this Court to set aside the order passed the Process Memo in Spl.C.C.No.116/2014 on the file of the Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Salem dated 21.02.2018.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3 Perused the petition and the impugned order passed by the Trial Court in the Process Memo filed by the petitioner herein. This petitioner facing trial under Section 7 and 13(1) (d) of Prevention of Corruption Act. Earlier the petitioner has filed petition in Crl.M.P.No.578 of 2017 under Section 91 of Cr.P.C. for production of documents 1 to 4 from the office of the Commissioner of Police which are as follows:-

"1 This Station peoperty register of
Kammamkurichi police station for the period

16.08.2013 to 13.12.2013.

2 The daily situation report sent from Kannankurichi police station (or) The copy sent to Assistant Commissioner, Hasthampatty for the dates from 16.08.2013 to 13.12.2013.

3 The station visitor's books maintained at Kannankurichi police station from 16.08.2013 to 13.12.2013.

4 Pocket Note books of LW 13 to LW 30 in the charge sheet for the dates from 16.08.2013 to 13.12.2013."

4 The Trial Court has dismissed the petition against which the petitioner herein approached this Court in Crl.O.P.No.20036 of 2017. After hearing the arguments of the learned counsel for the petitioner and the Government Advocate (Crl. Side), this Court on 21.09.2017, held that for proof of demand and acceptance of bribe by the petitioner on 13.12.2013, the above said documents are not at all relevant and if at all any witness speaks about any of the documents referred, then the petitioner can exercise the right of calling that particular record to confront the prosecution witness.

5 Now, after examined PW.6-Murugan, the petitioner has filed a Memo before the Trial Court to issue summon for production of the very same documents mentioned in Crl.M.P. No .578 of 2017. When this Court has dismissed the earlier petition with specific observation that if the witnesses are going to be examined by the

prosecution and if they speak about any of the fact in connection with the records maintained by the police station, those records have to be furnished to the accused. The petitioner is at liberty to call for those records so as to confront the prosecution witnesses.

6 The perusal of the deposition of PW.6 does not indicate any of the records which are mentioned under earlier application filed under Section 91 of Cr.P.C. or in the list furnished in the Process Memo. Despite the adverse order by this Court, the petitioner/accused has chosen to reiterate her earlier petition by way of the Process Memo without advertting to the observation made by this Court in its order dated 21.09.2017. This conduct of the petitioner clearly reveals her intention to circumvent the order passed by this Court and to

hoodwink the Trial Court by filing Process Memo as if Court has permitted her petition for production of documents. Since, the conduct of the petitioner amounts abuse of process of the Court, this Court deems it fit to impose cost on the petitioner.

7 Accordingly, the petition stands dismissed with cost of Rs.1,000/- and the petitioner is directed to pay such cost to the District Legal Services Authority, Salem.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1 Inspector of Police,
Vigilance and Anti Corruption,
Salem

2 The Public Prosecutor,
High Court, Madras.

Copy to:-
The Secretary
District Legal Services Authority
Salem.

PPA(CO)
sm:16.04.2018

Cr1.O.P.No.9595 of 2018