

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2260 of 2018

S.Badurunnissa Begum

... Petitioner

Vs.

1. Director,
Directorate of Vigilance
and Anti Corruption,
No.293, MKN Road, Alandur,
Chennai - 16.

2. Inspector of Police,
Vigilance and Anti Corruption,
City-I Detachment, Chennai - 16.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct further investigation by higher official of the respondents and consequently to file final report in the interest of Justice.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

This petition is filed under Section 482 of criminal procedure code, to direct the respondents to make further investigation upon the complaint given by her since the respondents have dropped action after completion of the enquiry, saying that preliminary enquiry did not disclose any information of a cognizable offence punishable under Prevention of Corruption Act, 1988.

2. The learned counsel for the petitioner submits that officials of Commercial Tax Department had furnished false documents, so as to enable the accused person to avail loan. Hence, the complaint given by her had not been properly enquired by the respondents. It is also contended by the learned counsel for the petitioner that in C.C.No.250/2007 the case which has been registered at the instance of the direction of the Court, fabricated documents issued by officials of Commercial Tax

Department, had been marked as exhibit. While so, the misconduct of the public servant which attracts Prevention of Corruption Act, 1988 has not been properly investigated. Hence, further investigation has to be ordered.

3. The learned Additional Public Prosecutor submitted that the petitioner herein alleging cheating, fabrication of document and forgery, had filed private complaint, which has been taken up for investigation. Pursuant to the direction of this Court, cognizance has been taken on file by the Judicial Magistrate, Vellore in C.C.No.250/2007 and the documents which the petitioner herein claimed to be fabricated have already been exhibited as documents in the Court of trial.

4. Therefore, if at all, the petitioner is aggrieved by the genuineness of the exhibits marked, it is for him to agitate before Court in which these documents have been marked. As far as the investigation conducted by the respondent, they have found that there is no material to proceed against any of the public servants under Prevention of Corruption Act, 1988.

5. This Court, on perusal of the documents and the submission made by the learned counsel for the petitioner finds that there is no reason or justification for the petitioner to seek further investigation by way of approaching this Court under Section 482 of criminal procedure code, since the entire allegation against the accused persons as well as the documents, has already been seized of by the competent trial Court and the trial is in progress. The defacto complainant in that case, who is also the petitioner herein has every right, particularly, to question those documents before the Court in which the said documents have been exhibited. Hence, this Court finds no merit in the petition and the petition is dismissed. Since the matter is nearly ten years old, priority should be given and the trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Director,
Directorate of Vigilance and Anti Corruption,
No.293, MKN Road, Alandur,
Chennai - 16.
 2. The Inspector of Police,
Vigilance and Anti Corruption,
City-I Detachment, Chennai - 16.
 3. The Judicial Magistrate, Vellore.
 4. The Public Prosecutor,
High Court, Madras.
- + 1 cc to MR. A. Saravanan, Advocate SR.5997

(CS-DR)
EU(08/02/2018)

Crl.O.P.No.2260 of 2018



WEB COPY