

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2018

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.1258 of 2018

and Cr1.M.P.Nos.446 & 447 of 2018

P.S.K.Singaravelu ... Petitioner/3rd accused

Vs.

The Deputy Superintendent of Police
Vigilance & Anti-Corruption Chennai
City-I Department, R.A.Puram,
Chennai-600 028.
(Crime No.02/2012/AC/CC-IV)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in CC No.10 of 2017 and quash the final report dated 31.08.2016 on the file of the Special Court for exclusive trial of Prevention of Corruption Act cases, Chennai.

For Petitioner : Mr. A.E.Ravichandran
M/s.Sarvabhauman Associates

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

ORDER

This petition is filed seeking to quash the proceedings in CC No.10 of 2017 dated 31.08.2016, on the file of the Special Court for exclusive trial of Prevention of Corruption Act cases, Chennai.

2 According to the petitioner, while he was serving as the Under Secretary in the Secretariat of Legislative Assembly, during November 2010 to March 2011, there was a proposal to carry out painting work for 166 Steel Book racks and 29 Wooden Book Almirahs in the Legislative Assembly Library for a total value of Rs.3,90,400/-. Though the work was not at all commenced, Mr. S.Balakrishnan, who is arrayed as A2, put up a note as if A5 has completed the painting work

and the same was approved by the present petitioner and A4-K.Indira, Joint Secretary. However, due to commencement of election, the code of conduct was imposed and the proposal was forwarded from the Finance Department to the Election Commission, who in turn had forwarded the same to the State to defer the proposal till the General Elections for the year 2011 pertaining to State of Tamil Nadu and hence, the proposal was deferred. Later it came to notice of the prosecution agency that without completion of the work, Note has been prepared for payment of Rs.3,90,400/- as if work has been executed. Hence, the case was registered under Sections 120-B, 420, 477-A, 511 r/w Section 15 of the Prevention of Corruption Act. This complaint upon further investigation under culminated in filing final report.

3 The petitioner relying upon the statement recorded under 161 of LW.3/Baskaran that due to the pressure and threat of A1 & A2, other accused signed the Note File without the actual completion of work. These facts are matter for trial and this Court cannot quash the case on these materials, when the prosecution was made out prima facie case against this petitioner.

4 The learned Additional Public Prosecutor submitted that it is not only increminating statement, there are other witnesses who have spoken about the conspiracy and the subsequent acts done by the petitioner and other accused, in cheating the Government by raising a bill for the work which was not done.

5 In the light of the facts stated above, this Court finds no reason to interfere by entertaining the petition, more particularly, the prosecution case is that the petitioner and others have admitted to commit an offence referred under Section 30(i)(c) & (b) of the Prevention of Corruption Act.

6 Accordingly, the Criminal Original petition is dismissed. Consequently, the connected miscellaneous petition are also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

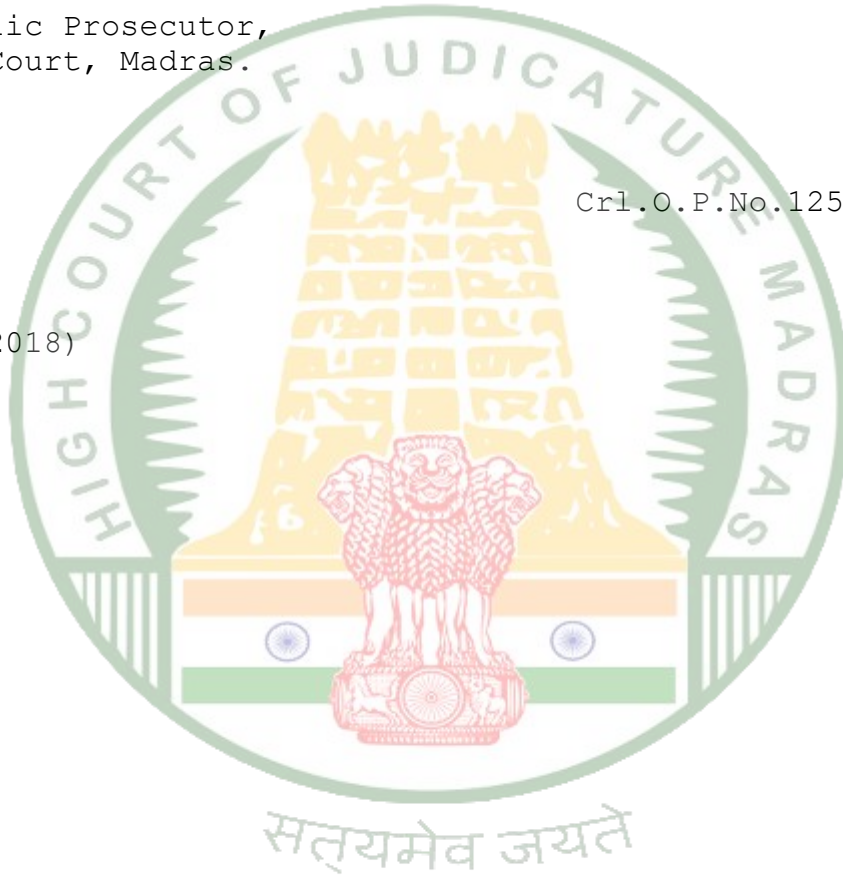
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To

- 1.The Special Judge,
The Prevention of Corruption Act cases,
Chennai.
2. The Deputy Superintendent of Police
Vigilance & Anti-Corruption Chennai City-I Department,
R.A.Puram, Chennai-600 028.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1258 of 2018

KP(27/02/2018)



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