

Chandra,
Brothache

For R1 to R4

ORDER

Vigilance and Anti Corruption Thoothukudi, to register the complaint of the petitioner dated 02.11.2017 and 11.01.2018.

Additional Public Prosecutor for respondents 1 to 4 and the learned counsel for the respondents 5 to 8.

the petitioner had lodged a complaint dated 02.11.2017 and 11.01.2018. Based on his complaints FIR has been registered under various Sections excluding Section 9 of the Prevention of Corruption Act, 1988. So far as his complaint dated 11.01.2018, it is very cryptic complaint, which reads as under:

Sir,

bribes from the judgment debtor S.Chandra who is residing at Chennai from 1976 onwards not doing their official duty.

may file Section 9 of the Prevention of Corruption Act and Section 466 of the Indian Penal Code.

Director of Vigilance and Anti-Corruption Department and they have found that the complaint was unsigned, the allegations in the petition were levelled against one Jeyakumar, who is the Assistant Engineer, TNEB, Thoothukudi and others, the complaint was general in nature and does not disclose any specific information of cognizable offence under the Prevention of Corruption Act and HOD is the competent authority to look into and act upon such petition. Hence, the petition in original was sent to the

Chairman cum Managing Director, TANGEDCO.

5. Reading of the complaint dated 11.01.2018 and the order passed by the Directorate of Vigilance and Anti-Corruption, this Court finds no error in the order of the Director of Vigilance and Anti-Corruption. Further, he has forwarded the matter to the Chairman, TANGEDCO and if there is anything to be redressed, the Chairman TANGEDCO will take appropriate action upon the representation.

6. The complaint dated 02.11.2017 pointed out earlier, the respondent police has registered FIR sans Section 9 of the Prevention of Corruption Act, 1988. Section 9 of the Prevention of Corruption Act, 1988, reads as under:

9. Taking gratification, for exercise of personal influence with public servant. - *Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise, to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or dis-favour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of Section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than (three years) but which may extend to (seven years) and shall also be liable to fine.*

7. The first contention is that there must be a demand acceptance of gratifications, to do favour or dis-favour and it also may be for forbearance to any official act, which should be coupled with an acceptance or an agreement to accept or an attempt to obtain.

8. The petitioner's allegation is that the official has refused him electricity service connection. Therefore, FIR does not contend Section 9 of the Prevention of Corruption Act, 1988.

9. I do not see any error in view of the complaint is only a trigger to set a criminal law in motion. If the Investigation Officer finds any material, which attracts offence under Prevention of Corruption Act, 1988, he will necessarily act upon it and this Court need not jump to the conclusion before completion of investigation.



10.Hence, this Court finds no merit in this criminal original petition. Accordingly, this petition stands dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Director,
Vigilance and Anti-Corruption,
No-293, MKN Road,
Alandur,
Chennai - 600 016.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
2/175, Palayamkottai Main Road,
Maravan Madam,
Thoothukudi - 628 101.
4. The Inspector of Police,
South Police Station,
Thoothukudi.

+1cc to Mr.SMS.Johny Basha, Advocate SR.No.78108

+4cc to Mr.R.Esthov Antony Ashok, Advocate SR.No.78329

Mm

MK/SKN/SAR 2/31.08.2018/4P/10C

Crl.O.P. (MD) No.5752 of 2018
10.08.2018