



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
Crl.OP (MD) No.14058 of 2017

M.Anbuchelvan

:Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its

The Principal Secretary to Government,

Home Department,

Fort. St. George,

Secretariat, Chennai 600 009.

2.The State of Tamil Nadu,

Represented by its

The Chief Secretary to Government,

Vigilance Commissioner and Commissioner

for Administrative Reforms (FAC)

Fort St. George,

Secretariat, Chennai-600 009.

3.The State of Tamil Nadu,

Represented by its

Under Secretary to Government,

Home Department, Fort St. George,

Secretariat, Chennai-600 009.

4.The State of Tamil Nadu,

Represented by its the

Deputy Secretary to Government,

Fort St. George,

Secretariat, Chennai-600 009.

5.The Director,

Directorate of Vigilance and Anti Corruption,

No.293, MKN Road,

Alandur, Chennai-600 016.

6.The Deputy Superintendent of Police,

Vigilance and Anti Corruption,

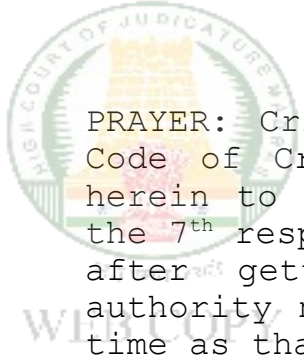
Dindigul District, Dindigul

7.The Inspector of Police,

Vigilance and Anti Corruption,

Dindigul District, Dindigul.

: Respondents



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to directing the respondents 5 to 7 herein to file a charge sheet in Crime No.2 of 2017 registered by the 7th respondent herein dated 28.03.2017 before the competent Court after getting appropriate due sanction from the sanctioning authority namely the respondents 1 to 4 herein within a stipulated time as that may fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.A.Robinson,
Government Advocate (Crl.side).

ORDER

This Criminal Original Petition is filed by the victim/complainant for earlier completion of the investigation and for filing final report in Crime No.2 of 2017.

2.When the learned Government Advocate (Crl.Side) was put to notice, the learned Government Advocate (Crl.Side) submitted that the investigation has been completed and there is no sufficient materials to prosecute the persons named as accused. However, it is recommended to the State to take disciplinary action against them and pursuant to that, as per the DVAC Manual, the matter has been placed before the Government for appropriate orders. Once the Government pass the order accepting the proposal of the investigation agency, the final report will be filed along with proposed action against the police official. Referring the Rules 85 and 123 of DVAC Manual, the learned Government Advocate (Crl. Side) would submit that it will take two months for the Government to take the decision regarding the remittal order.

3.The learned counsel appearing for the petitioner would submit that the delay in taking the decision at the Government level in respect of criminal trial has been highly reprimanded by the Hon'ble Supreme Court in the case of *Vineet Narain and others Vs. Union of India and another* reported in (1998) 1 Supreme Court Cases 226. A fair trial and impartial investigation cannot be delayed or protracted quoting the Manual of DVAC, which is only administrative guidelines to the investigation officer and it does not have the trapping of the legislation, that too it cannot deter the spirit of the legislation passed by the Parliament or Assembly. This Court have no second opinion about the submission made by the learned counsel for the petitioner.

4.In this case, investigation has been completed on 17.08.2018. The matter is now pending with the Government for passing appropriate orders. The State cannot take its own time to take the decision, when a person aggrieved of violation of his rights it. Therefore, the first respondent is hereby directed to pass appropriate orders in respect of draft final report submitted by the seventh respondent in Crime No.2 of 2017 on the file of the Vigilance and Anti Corruption Wing, Dindigul within a period of 30



days from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition is disposed of.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal Secretary to Government,
Home Department,
Fort. St. George,
Secretariat, Chennai 600 009.
2. The Chief Secretary to Government,
Vigilance Commissioner and Commissioner
for Administrative Reforms (FAC)
Fort St. George,
Secretariat, Chennai-600 009.
3. The Under Secretary to Government,
Home Department, Fort St. George,
Secretariat, Chennai-600 009.
4. The Deputy Secretary to Government,
Fort St. George,
Secretariat, Chennai-600 009.
5. The Director,
Directorate of Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur, Chennai-600 016.
6. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Dindigul District, Dindigul
7. The Inspector of Police,
Vigilance and Anti Corruption,
Dindigul District, Dindigul.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.T.C.S.RAJA CHOKALINGAM, Advocate, SR.No.84430

Cr1.OP (MD) No.14058 of 2017
17.09.2018