



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.O.P.(MD) No.21561 of 2018

and

Cr1.M.P(MD)No.9984 of 2018

P.Mani

..Petitioner/Petitioner/Accused No.1/  
Accused No.1

**Vs.**

State rep. by  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Sivagangai.

(Crime No.7 of 2011).

..Respondent/Respondent/complainant

**PRAYER:** Criminal Original Petition is filed by the Petitioner under Section 482 of the Criminal Procedure Code, to set aside the order passed in Cr1.M.P.No.712 of 2018, in C.C.No.80 of 2014, on the file of the Special Court for Prevention of Corruption Act, Sivagangai and allow the above Criminal Original Petition.

For Petitioner : Mr.J.Lawrance  
For Respondent : Mr.M.Chandrasekaran,  
Addl. Public Prosecutor

### **J U D G M E N T**

This Criminal Original Petition is filed to set aside the order passed in Cr1.M.P.No.712 of 2018, in C.C.No.80 of 2014, on the file of the Special Court for Prevention of Corruption Act, Sivagangai and allow the above Criminal Original Petition.

2.According to the learned counsel for the petitioner, the petitioner filed a petition before the trial Court under Section 91 of Cr.P.C., The respondent police registered a case against the revision petitioner under Section 13(2) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 and 109 IPC r/w 13(2) r/w 13(1)(c) of Prevention of Corruption Act, 1988. The case registered in the year 2011 and the charge-sheet also filed in the year 2014 and the copies under Section 207 Cr.P.C., served to the petitioner 4 years before. This Court also gave a direction to the trial Court to dispose of the case within six months. At this stage, P.W.1 to P.W.44 were examined. During the cross-examination of P.W.44 from the admission got from the P.W.44 he came to the conclusion that some of the documents are required. Therefore, he filed a petition under Section 91 Cr.P.C.,



3.The Trial Court has failed to consider this aspect and dismissed the petition.

4.Challenging the order of dismissal, the petitioner has filed the present Criminal Original Petition.

5.The First Information Report has been filed in the 2011 and the charge sheet has been filed in the year 2014 and the trial already commenced and 44 witnesses were examined and now, he asked for certain documents.

6. A perusal of the entire records, considering the nature of the offence, the documents sought for in this case is not necessary to decide the issue involved in this case.

7. Therefore, in these circumstances, the Criminal Original Petition is filed only to protract the case. If at all the document is necessary, he ought to have filed a petition even at the time soon after receiving the copies under Section 207 of Cr.P.C., Therefore, after examination of 44 witnesses, this petition was filed at the end of the trial. While exercising power under Section 482 though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the test specifically laid down in the section itself. In this circumstances, this Court does not find any sound grounds and reasons to quash the order passed by the learned Special Court for Prevention of Corruption Act, Sivagangai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Inspector of Police,  
Vigilance and Anti Corruption,  
Sivagangai.

2.The Special Court for Prevention of Corruption Act,  
Sivagangai.



3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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+1cc to Mr.J.LAWRANCE, Advocate Sr.No. 99245

**Cr1.O.P. (MD) No.21561 of 2018**  
**06.12.2018**

**TR/SKN/SAR-1 (31.01.2019) 3P 5C**