

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.03.2018****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH**

Crl.R.C.(MD) No.266 of 2016

and

Crl.M.P.(MD) No.3498 of 2016

T.K.S.P.A.Shanmugamurthy ... Petitioner / Petitioner / Accused-3

vs.

The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Virudhunagar District. ... Respondent / Respondent / Complainant

PRAYER: Criminal revision filed, under Sections 397 r/w 401 Cr.P.C., to call for the records relating to the impugned order dated 01.02.2016 made in Cr.M.P.No.4036 of 2015 in Spl.C.C.No.24 of 2014 on the file of Special Judge/Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur and set aside the same.

For Petitioner : Mr.I.Subramanian
Senior Counsel for Mr.G.Mariappan
for Mrs.D.Farjana Ghoushia

For Respondent : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

When this Court was about to dismiss the criminal revision on merits, the learned Senior Counsel for the petitioner sought permission of this Court to withdraw the criminal revision and the learned counsel on record has also made an endorsement to that effect.

2. In view of the endorsement so made, the criminal revision is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed.

3. It is seen that K.K.S.S.R.Ramachandran had filed W.P.(MD) No.17147 of 2013, challenging appointment of Mr.Jeyapalan, Retired Deputy Legal Advisor as Special Prosecutor in G.O.Ms.No.698 Public (SC) Department, dated 11.07.2013. In that case, while dismissing



the said writ petition on 02.02.2018, this Court in paragraph 3 stated as follows:

"3. However, the Trial Court is directed to complete the trial in Special C.C.No.2 of 2013, within a period of six months from the date of receipt of a copy of this order, provided the accused co-operate with the Trial Court by cross-examining the prosecution witnesses on the day they are examined in Chief, as held by the Hon'ble Supreme Court in Vinod Kumar v. State of Panjab reported in 2015 (1) Scale 542, without adopting dilatory tactics. If any of the accused absconds, a fresh First Information Report can be registered against him/her under Section 229-A of the Indian Penal Code. If the accused adopt any dilatory tactics, it is open to the Trial Court to remand the accused to custody, in the light of the law laid down by the Supreme Court in State of U.P. vs. Shambu Nath Singh reported in 2001 (4) SCC 667."

4.Learned Senior Counsel for the petitioner would submit that K.K.S.S.R.Ramachandran has filed Cr.M.P.No.1529 of 2016 under Section 239 Cr.P.C. for discharge before the trial Court and it is his apprehension that on account of the direction issued by this Court, there is possibility of the trial Court to dispose of the discharge application hurriedly.

5.There appears to be force in the aforesaid submissions. Hence, this Court directs the trial Court to deal with the discharge application without in any way influenced by the aforesaid direction. If the trial Court is not able to complete the trial within six months, the trial Court can administratively make a request for extension of time. The petitioner is directed to cooperate with the trial Court in arguing the discharge application without taking unnecessary adjournments.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Special Judge/Chief Judicial Magistrate,
Virudhunagar District,
at Srivilliputhur.

<https://hccerivilliputhur.nic.in/>
2. The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Virudhunagar District.



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

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+ 2 ccs TO Mrs.D.Farjana Ghoushia , Advocate in SR No. 53075

sj

AE/RSK/SAR4/08.05.2018/3P/5C

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