

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Criminal Revision Case No.994 of 2019

T.AL.Tenappan

... Petitioner

Vs.

State represented by  
The Inspector of Police  
Vigilance and Anti Corruption  
City Special Unit-I  
Chennai-16

... Respondent

Prayer: This Criminal Revision Case has been filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records and set-aside the order dismissing the Discharge Petition dated 10.09.2019 made in C.M.P.No.1456/2019 in Special Case No.2/2019 on the file of the Learned Chief Judicial Magistrate cum Special Judge, Thiruvallur.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

This Criminal Revision Case has been filed by the petitioner to call for the records and set-aside the order dismissing the Discharge Petition dated 10.09.2019 made in C.M.P.No.1456/2019 in Special Case No.2/2019 on the file of the Learned Chief Judicial Magistrate cum Special Judge, Thiruvallur.

2.The petitioner who is the accused in Special Case No.2 of 2019 has filed this discharge petition in C.M.P.No.1456 of 2019. The Trial Court by its order dated 10.09.2019 dismissed the same, against which, the present Revision.

3.The contention of the petitioner is that the petitioner being an Electrical Inspector, Ambattur Division, is said to have demanded a sum of Rs.10,000/- as bribe for giving renewal

certificate in HV line and lift operation to the commercial building owned by the defacto complainant. Based on which, the trap was laid on 09.10.2017 and the trap was successful. After the completion of investigation, charge sheet came to be filed.

4.The further contention of the petitioner is that once approval was accorded for HV installation to the consumer under Regulation 43(4) of Central Electricity Authority Regulations 2010, there was no procedure contemplated for renewal of HV Licence and there is no question of demand. Further, the sanction order as well as the complaint, it is stated about demand for issuance of Licence and not about the renewal of Licence. The accompanying witness not supported the demand and the recovery of the trap amount. It is further submitted that due to the above case, future prospects of his service would be directly affected. He is left with three more years of service. It would take years to conclude the Trial. The petitioner would be deprived of his terminal and other benefits.

5.The learned Additional Public Prosecutor submits that in this case on the complaint of the defacto complainant, trap was laid and trap had been successful. The tainted money recovered from the petitioner. LW1 to LW12 have been examined and their statements recorded, on completion of investigation, listed 13 witness and 34 documents along with charge sheet. The contention of the petitioner has to be tested only during trial and not in the discharge petition. The Sanctioning Authority after careful analysis of the statement of witnesses and perusal of documents accorded sanction.

6.This court on a perusal of the Lower Court order and materials submitted, finds that the trial court had dismissed the discharge petition after proper analysis, which does not warrant any interference.

7.In the light of the fact, the Revision Petition stands dismissed. At this juncture, the petitioner submits that he is having three more years of service and there are number of cases pending before the Special Court, hence requested to take up this case for early disposal within the stipulated time fixed by this Court. The learned Additional Public Prosecutor stated that there are four long pending cases with High Court directions to dispose on priority within a stipulated time.

8.In view of the same, the Trial Court is hereby directed to give priority to this case and complete the trial as soon as possible within a stipulated time.

9.In the result, this Criminal Revision Case stands dismissed.

Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kas

To

1.The Inspector of Police  
Vigilance and Anti Corruption  
City Special Unit-I  
Chennai-16  
(Crime No.7/AC/2017/CC-I)

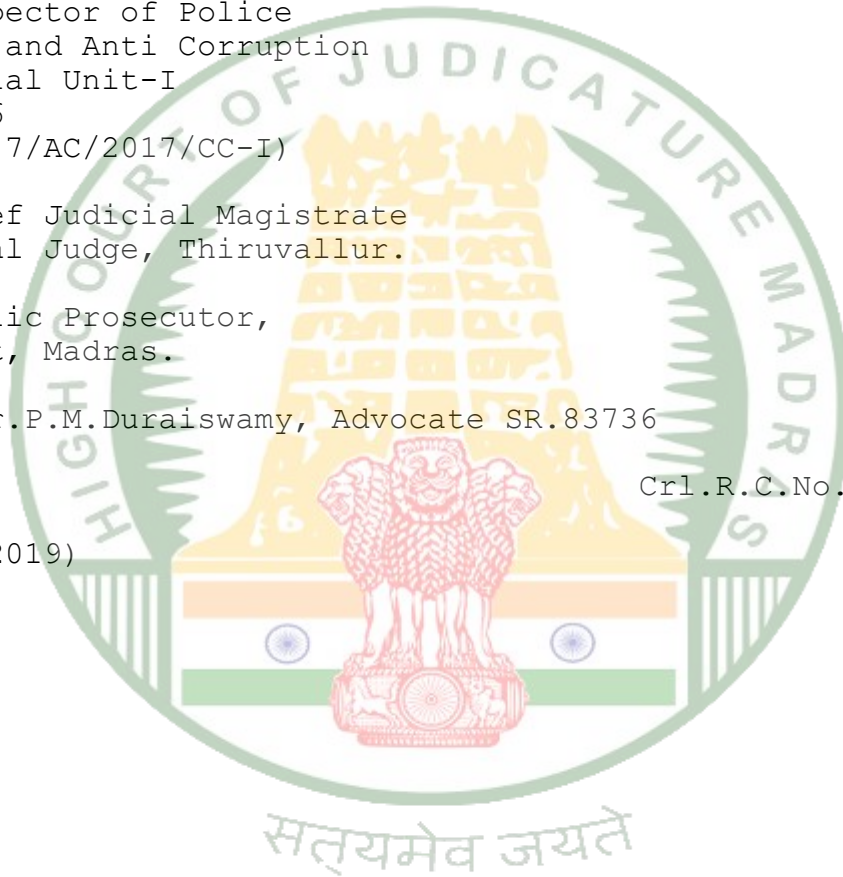
2.The Chief Judicial Magistrate  
cum Special Judge, Thiruvallur.

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.P.M.Duraiswamy, Advocate SR.83736

Cr1.R.C.No.994 of 2019

MR(CO)  
CB(26/11/2019)



WEB COPY