

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.10.2019
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.R.C.No.1025 of 2019 and
Crl.M.P.No.14179 of 2019

M.Arumugam

... Petitioner

Versus

State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram Detachment,
Villupuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 29.08.2019 passed in C.M.P.No.197 of 2019 in Special Case No.2 of 2017 on the file of the Special Judge, Special Court for Prevention of Corruption Act cases, Villupuram.

For Petitioner : M/s.R.Natarajan

For Respondent : M/s.M.Prabhavathy,
Additional Public Prosecutor

ORDER

This Criminal Revision has been filed to set aside the order dated 29.08.2019 in C.M.P.No.197 of 2019 in Special Case No.2 of 2017 passed by the Special Judge for Prevention of Corruption Act cases, Villupuram. सत्यमेव जयते

2.The learned counsel for the petitioner would submit that the case was registered against the petitioner in Crime No.4 of 2014/AC/VPM for the offence under Section 7 of the Prevention of Corruption Act, 1988 on 21.08.2014. The charge sheet was filed after three years on 07.04.2017 and there is no reason given for the delay. He would further submit that the petitioner being a public servant, as per the Judgment of the Hon'ble Supreme in the case of "Nanjappa Versus State of Karnataka reported in 2015 (14) SCC 186" the sanction to be obtained within a stipulated time. The sanction is the protection given to the public

servant, hence, the petitioner had acted in discharge of his official function. Hence, the sanction under 19(1) Prevention of Corruption Act, 1988 and Section 197 of Cr.P.C is mandatory.

3.It is seen that in this case F.I.R in Crime No.4 of 2014/AC/VPM came to be registered on 21.08.2014 and on completion of the investigation charge sheet filed on 11.12.2017. The petitioner's tenure as Panchayat President of Devadhanampettai Village, Gingee Taluk, Villupuram District ended on 26.10.2016. Thus once public servant demitted his tenure, he cannot be said as public servant to warrant sanction order for his prosecution. Hence, this Court is not inclined to accept the submissions of the learned counsel for the petitioner. At this juncture, the learned counsel for the petitioner sought permission of this Court to withdraw this petition and also made an endorsement to that effect, with liberty to raise the points of question of sanction and delay during trial.

4.Accordingly, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise the points before the trial Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Special Judge,
Special Court for prevention of Corruption Act Cases,
Villupuram.

2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram Detachment,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Natarajan, Advocate sr.85662

CRL.R.C.No.1025 of 2019

nr 05/11/2019



WEB COPY