



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)No.6571 of 2019

WEB COPY

S.Baskaran

... Petitioner

Vs.

State through
The Inspector of Police,
Vigilance and Anticorruption,
Maduari.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and set aside the order passed by the learned Special Judge, Vigilance and Anti Corruption Court, Maduari in Cr.M.P.No.163 of 2019, dated 25.02.2019 in Spl.Case.No.7 of 2011.

For Petitioner : Mr.A.K.Manickam

For Respondent : Mr.M.Chandrasekaran

Additional Public Prosecutor

O R D E R

The petitioner is facing trial in S.C.No.7 of 2011, on the file the Special Court for Trial of Cases under Prevention of Corruption Act, Maduari. The petitioner was working as Village Administrative Officer. The charge against him is that he demanded illegal gratification for issuance of patta passbook. P.W.3/Muthumanikam, trap witness was laid and it was successful. He was working as Sub Registrar in Chokkikulam. Trap was laid at Thirumangalam on 06.08.2007 between 04.00 p.m. to 06.00 p.m.

2.The case of the petitioner is that during the relevant time, trap witness/P.W.3 was discharging his official duty at Chokkikulam Sub Registrar's Office and he was not present at the place of occurrence. Therefore, he filed a petition under Section 22 of Prevention of Corruption Act, for causing production of the petition mentioned documents and for comparing the signature attributed to the Sub Registrar. It is not in dispute that the defence documents namely., Ex.D.2, Ex.D.5 and Ex.D.7, were registered on 06.08.2007 between 04.00 p.m. to 06.00 p.m. at Chokkikulam Sub Registrar's Office. A suggestion was put to P.W.3 ~~that the signature of the petitioner was in those documents.~~ But then P.W.3 denied the said suggestion and answered that his subordinate/Krishnamurthy had initialled on his behalf. From this initial, it is simply impossible



for an expert to offer any conclusive opinion. Therefore I find force in the objection raised by the learned Additional Public Prosecutor that this exercise will only needlessly to drag on the proceedings.

3. However liberty is given to the petitioner to have the said Krishnamurthy summoned as a Court witness and it is open to the petitioner to question the said Krishnamurthy to further his defence. It is made clear that dismissal of this criminal original petition or confirming the order passed by the Court below will not in any way be construed as an expression on the merits of the matter. The defences of the petitioner are left open. It is for the trial Court to adjudicate the matter on merits.

4. With this observation and liberty to the petitioner to have the said Krishnamurthy summoned as a Court witness, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (AD-II)

/ True Copy /

Sub Assistant Registrar (CS-)

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To:

1. The Special Judge,
Vigilance and Anti Corruption Court,
Maduari.
2. The Inspector of Police,
Vigilance and Anticorruption,
Maduari.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.K.MANICKAM, Advocate (SR-71772[F] dated 27/06/2019)

Cr1.O.P. (MD) No. 6571 of 2019
25.06.2019

ES/19.07.2019/2P/5C