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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P. (MD) .No.10501 of 2019

and

CrI.M.P. (MD) Nos.6603 & 6604 of 2019

S.Govindasamy

... Petitioner/ Accused(A7)

Vs.

State rep. by,
The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur, Thanjavur District.
(Crime No.12/2018)

... Respondent/ Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the Special case in S.C. No.14 of 2019 on the file of Chief Judicial Magistrate Court, Thanjavur at Kumbakonam, Thanjavur District and quash the same in so far as the petitioner/ Accused (A-7) is concerned.

For Petitioner : Mr.P.M.Vishnuvarthanan

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

O R D E R

This Criminal Original Petition is filed by the Accused No.7 in Special Case No.14 of 2019 on the file of the learned Judicial Magistrate, Thanjavur, Kumbakonam to quash the proceedings pending against him in S.C.No.14 of 2019.

2. The Inspector of Police, Vigilance & Anti Corruption, Thanjavur District filed a final report against this petitioner and seven others that the accused working as Junior Engineer(Electrical) Maintenance Division, Tamil Nadu Water and Drainage Board, Vedaranyam Combined Water Supply Scheme, Thiruvarur, Sub division at Thiruvaikavur, Thanjavur District, fraudulently made false entries in the generator log book as well as stock position of the diesel as if the generator had been operated during the power interrupted hours.



3. The learned counsel for the petitioner has raised several grounds in support of this case that the charges leveled against the petitioner is not made out against the petitioner.

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4. However, the learned Additional Public Prosecutor appearing for the respondent would submit that there are sufficient materials as against this petitioner and that can be elicited only during the trial.

5. This Court without expressing any views on the merits of the petition, disposes of the petition with a liberty to the petitioner to raise all the grounds during the trial. The grounds raised by the petitioner can be appreciated only during the trial and those grounds cannot be a ground for quashing the complaint at the threshold. With the above observations, this petition is disposed of.

6. The learned counsel for the petitioner expressed that he is working at Chennai and it will be very difficult for him to appear for each and every hearing before the trial Court at Kumbakonam and he also submits that the entire case of the prosecution rests upon the documentary evidence and his presence is not required during the trial.

7. In view of the submission made by the learned counsel for the petitioner, this Court is inclined to direct the Special Court to dispense with the appearance of the petitioner during the trial, except for the hearings for which the petitioner's presence is required. The petitioner shall also file the necessary affidavit before the concerned Judicial Magistrate that he would appear as and when his presence is required by the trial Court and he will also cooperate with the trial without taking any unnecessary adjournments during the trial. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chief Judicial Magistrate, Thanjavur at Kumbakonam.



2) The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur, Thanjavur District.
(Crime No.12/2018)

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

+1 CC to M/s.VR APPASAAMEE, Advocate(SR-88978[F] dated 24/09/2019)

Order made in
Crl.O.P. (MD) .No.10501 of 2019
24.09.2019

sts

VB(24.10.2019) 3P 5C