



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2019

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.15603 of 2019

L.Siva Kumar

... Petitioner/Sole Accused

Vs.

State represented by
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thanjavur,
Thanjavur District.
[Crime No.03 of 2011]

... Respondent/Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to direct the learned Special Judge cum Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District to expedite the trial in Spl.Case No.11 of 2014 on its file and complete the same within the stipulated time as fixed by this Court.

For Petitioner : Mr.A.Thiruvadi Kumar

For Respondent : Mr.K.K.Ramakrishnan

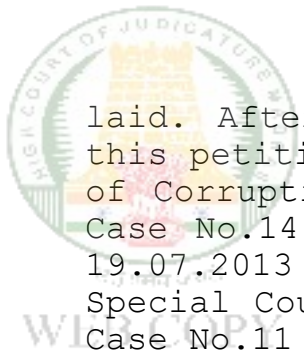
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the accused in Special Case No.11 of 2014 on the file of the learned Special Judge cum Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District, to expedite the trial in Special Case No.11 of 2014 and to complete the same within the stipulated time fixed by this Court.

2.The case of the petitioner is that the Deputy Superintendent of Police, Vigilance and Anti Corruption, Thanjavur filed a final report against the petitioner that while the petitioner was serving as Inspector of Police, Thanjavur Taluk Police Station, during the period from 15.06.2010 to 02.06.2011, he abused the official position and demanded a sum of Rs.15,000/- as illegal gratification from one Jeyakumar on 21.05.2011 at 10.45 am to do a favour to the complainant Jeyakumar in a case registered in Crime No.121 of 2011, to take possession of the house in dispute in that case.

3.The accused officer is said to have reiterated the demand on 26.05.2011 and also on 30.05.2011 and finally directed the complainant Jeyakumar to pay a sum of Rs.5,000/- on 02.06.2011 and to pay the balance amount after closing the case in his favour. On the complaint lodged by the said Jeyakumar, a case was registered against the petitioner in Crime No.3 of 2011 and a trap was also



laid. After the investigation final report was also filed against this petitioner under Section 7 and 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and the same was taken on file in Special Case No.14 of 2013, on 21.05.2013 and charges have been framed on 19.07.2013 and thereafter, the case papers were transferred to the Special Court at Kumbakonam and the case was re-numbered as Special Case No.11 of 2014.

4. According to the learned Counsel for the petitioner, the Sanctioning Authority [PW1] was examined on 10.01.2017 and thereafter there has been no progress in the case for nearly three years and he also produced the diary extract of the trial Court in support of this contention.

5. The learned Additional Public Prosecutor, on instructions, from the respondent Police would submit that this case is tried before the Special Court cum Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District and the trial Court is also assigned with the case pertaining to Idol Theft and therefore, the cases pertaining to the Vigilance and Anti Corruption are taken only on two days in a week. It is also represented that the Deputy Legal Advisor, who is prosecuting the case on behalf of the respondent Police is also in charge for Thanjavur District as well as Thirurvarur District. Therefore, there are certain practical difficulties in proceeding with the trial and it is not wantonly delayed. It is further represented by the learned Additional Public Prosecutor that the matter is posted on 13.11.2019 for appearance of LW2 and LW3 before the trial Court.

6. Heard Mr.A.Thiruvadi Kumar, learned Counsel appearing for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondent Police.

7. The fact remains that the final report was filed in this case as early as on 21.05.2013 before the Special Court at Tiruchirappalli in Special Case No.14 of 2013 and thereafter, it was transferred to the Special Court at Kumbakonam in the year 2014 and re-numbered as Special Case No.11 of 2014 and PW.1 was examined on 10.01.2017. After examination of PW1, it appears from the diary extract that there is no progress in the case.

8. It may not be appreciated for want of time the trial Court could not be proceeded nearly for three years. The fact remains that the accused is facing criminal charge of serious nature and as a consequential it affects the departmental proceedings also and therefore, this Court deems it fit to allow this application with a direction to the Special Court cum Chief Judicial Magistrate, Thanjavur at Kumbakonam to complete the trial in Special Case No.11 of 2014 within a period of six months from the date of next hearing, i.e., 13.11.2019.



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9. With the above direction the criminal original petition is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

dsk

To

1. The Special Judge cum Chief Judicial Magistrate,
Thanjavur at Kumbakonam,
Thanjavur District

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thanjavur,
Thanjavur District.

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

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-94998[F] dated 30/10/2019)

Crl.O.P. (MD)No.15603 of 2019

25.10.2019

_KK/SAR/12.11.2019/3P-5C/