

Crl.MP.No.5700 of 2020
in
Crl.O.P.No.31311 of 2019

M.NIRMAL KUMAR., J.

This Criminal Miscellaneous Petition has been filed to extend the time for further period of six months to complete the investigation and also to comply the direction of this Court in Crl.O.P.No.31311 of 2019, by order dated 12.12.2019.

2.This Court, by order dated 12.12.2019 on a petition filed by the accused seeking for quashing of FIR in Crime.No.1/AC/2017 had passed the following orders:-

“Considering the limited request made by the learned counsel appearing for the petitioners, this Court without going into the merits of the case, is inclined to issue direction to the Inspector of Police, Vigilance & Anti Corruption CC-III, Nandanam, Chennai /1st respond net herein to complete the investigation in Crime No.1/AC/2017, after giving opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to co-operate for early completion of the investigation. ”

3.The learned Additional Public Prosecutor appearing for the 1st petitioner submitted that in this case 26 witnesses have been examined and 51 documents have been annexed and the investigation is almost in the verge of completion. Now, the sanction has to be obtained as per Section 19 of the Prevention of Corruption Act, 1988. There are two accused, in which one accused serving under the Director of Medical and Rural Health Services (ESI) and other accused serving the Government Unani Medical College, Arumbakkam. As per Section 19 of the Prevention of Corruption Act, 1988, there is a period of three months for according sanction and also further period of one month extension is available. Hence, in total within a period of four months, the sanction has to be obtained.

4.The learned Additional Public Prosecutor further submitted that in this case, the charge sheet is made ready on 04.09.2020 and the same has been approved by the Vigilance and Anti Corruption on 21.09.2020 and to be placed before the Commissioner, Vigilance and Anti Corruption. Thereafter, it has to be forwarded to the above said two Directors to obtain sanction. Immediately, after obtaining the sanction for prosecution, the

charge sheet would be filed before the concerned Court.

5.He further submitted that this Court while passing order on 12.12.2019, instructed the 1st petitioner need not wait for the order copy and to proceed with the investigation immediately. Taking the instructions of this Court, the 1st petitioner commenced, the investigation, examined the witnesses and collected documents.

6.Further submitted, during the course of investigation, on 21.01.2020, the house of the accused was searched. During search, 28 documents were seized. These documents were verified, explanation were sought and corresponding materials to the documents were collected, which took considerable time, that is the reason for the delay and not otherwise. The 1st petitioner complied the order of this Court diligently and conducted the investigation in right manner. Further, due to the pandemic situation (COVID-19), the investigation could not be proceeded as planned within the time given by this Court.

7.It is further submitted that the petition for condonation of delay filed on 15.07.2020 and SR.No.23657 of 2020 was assigned on 26.08.2020. Though the Contempt Petition was filed on 04.07.2020, SR.No.55710 of 2020 assigned to the Contempt Petition on 31.08.2020, which would clearly show that the extension of time petition has not been filed to stop the contempt proceedings. He further submitted that the accused in this case failed to cooperate with the investigation. On the other hand, he made allegations as though the 1st petitioner is not taking steps to complete the investigation and flouting the order of this Court.

8.Mr.D.Rajagopal, learned counsel for the respondent/accused submitted that the 1st petitioner has been delaying the investigation wantonly, despite this Court passed order to complete the investigation within a period of six weeks. The learned counsel for the respondent further submitted that this Court by order dated 12.12.2019, directed the 1st petitioner to complete the investigation within a period of six weeks from the date of the receipt of the copy of that order. As per the direction, the

investigation ought to have been completed and final report filed by 30.01.2020.

9.Since the 1st petitioner has not complied with the order of this Court, the respondent sent contempt notice on 20.02.2020 and 02.06.2020. Then to the 1st petitioner had not filed the charge sheet. Hence, the respondent filed Contempt Petition, and the same was listed on 11.09.2020. On 11.09.2020, 15 days time was granted to the 1st petitioner to comply with the order and posted the case on 25.09.2020. At this stage, filing of this petition only to defeat the contempt petition.

10.This Court is aware about the pendency of the contempt petition, which has to be decided by the concerned Court on its own merits.

11.Granted extension of time to the 1st petitioner would no way impel the continuation of the contempt petition.

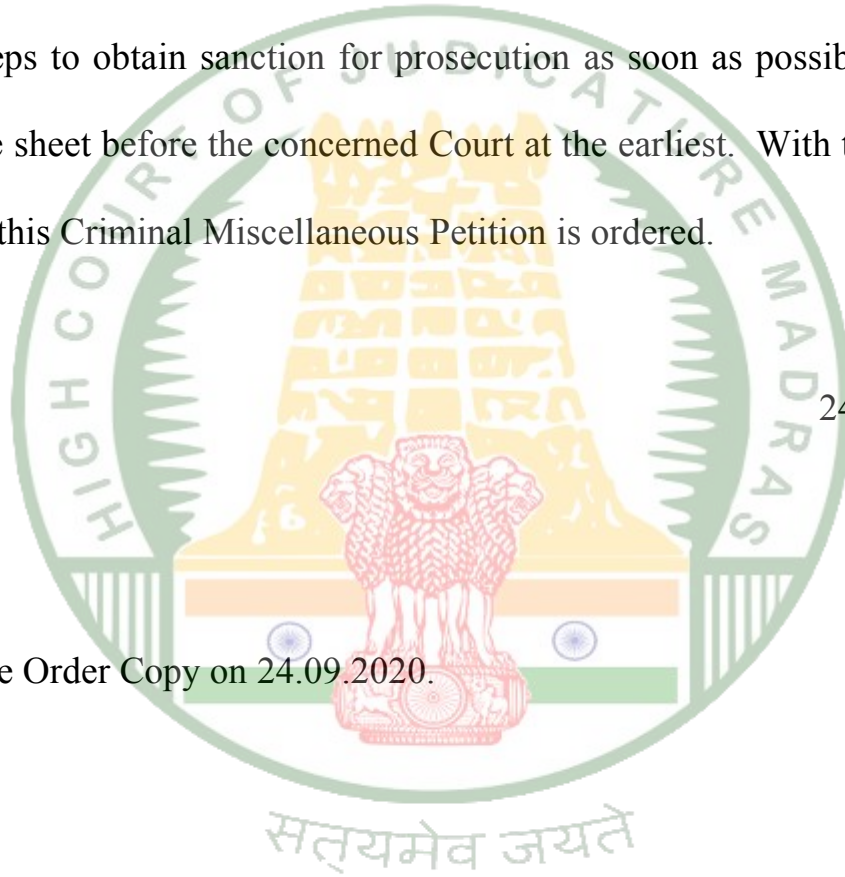
12.Taking into consideration of the explanation given by the prosecution and there is statutory time limit of four months, in obtaining the

sanction for prosecution, the prevailing pandemic situation this Court is inclined to give further six months time for completion of the investigation and filing of the charge sheet before the concerned Court as prayed for. It is made clear that six months is the outer limit, the petitioner has to take earnest steps to obtain sanction for prosecution as soon as possible and to file charge sheet before the concerned Court at the earliest. With the above direction, this Criminal Miscellaneous Petition is ordered.

24.09.2020

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Note: Issue Order Copy on 24.09.2020.



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