

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.1121 of 2020

AND

CRL.M.P.Nos.7760 & 7761 of 2020

S.Venkataramanan

.. Petitioner

Vs

State rep. by
The Deputy Superintendent of Police
Vigilance and Anti-Corruption
The Nilgiris

... Respondent

Criminal Revision preferred under Section 397 and 401 Cr.P.C. to set aside the order dated 12.09.2019 passed by the Assistant Sessions Judge, Nilgiris at Udhagamandalam in C.M.P.No.159 of 2017 in Spl.C.C.No.37 of 2015

For Petitioner : Mr.C.D.Johnson

For Respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

O R D E R

This Criminal Revision has been preferred to set aside the order dated 12.09.2019 passed by the Assistant Sessions Judge, Nilgiris at Udhagamandalam in the discharge application in C.M.P.No.159 of 2017 in Spl.C.C.No.37 of 2015.

2. The main bone of contention of the learned counsel for the petitioner is that, the petitioner has been exonerated in the departmental proceedings and as such, the petitioner should be discharged from the prosecution.

3. In the opinion of this Court, mere exoneration of the petitioner in the departmental proceedings, by itself, cannot be a reason to discharge him from the prosecution. Hence, on this ground coupled with the fact that there are prima facie materials to frame charges, this Court was about to dismiss the case, the learned counsel for the petitioner sought permission of this Court to withdraw this revision and he also made an endorsement to that effect.

4. In view of the above submission and endorsement made by the learned counsel for the petitioner, this Criminal

Revision is dismissed as withdrawn, with liberty to the petitioner to raise all the points before the trial court, after the charges are framed. Connected Miscellaneous Petitions are closed.

5. The learned counsel for the petitioner submitted that the presence of the petitioner before the trial Court may be dispensed with.

6. The aforesaid submission of the learned counsel for the petitioner is acceded to and the petitioner shall appear before the trial Court for framing charges, questioning under Section 313 Cr.P.C. and on the date of judgment. For the other hearings, on the learned counsel for the petitioner filing an application under Section 317 Cr.P.C., undertaking not to dispute the identity and further undertaking that the witnesses will be cross-examined on the day they are examined in-chief without adopting dilatory tactics, his presence may be dispensed with.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police
Vigilance and Anti-Corruption
The Nilgiris

2.The Public Prosecutor
High Court of Madras

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CRL.R.C.No.1121 of 2020

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