

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

CrI.O.P.No.24550 of 2017

and

CrI.M.P Nos.14202 and 14203 of 2017

L.Periyasamy

.. Petitioner

Vs.

1. The Inspector of Police
Nettapakkam Police Station
Puducherry.

2. R.Chandira Sekaran

.. Respondents

Prayer : Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the charge sheet in STC No.4224 of 2014 on the file of the Judicial Magistrate Court No.I, Puducherry and quash the same.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.Bharatha Chakravarthy
Public Prosecutor, Puducherry

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to quash the charge sheet filed as against the petitioner under Sections 171 (E) of IPC, 123 RP Act r/w 155(3) of Cr.P.C, in STC No.4224 of 2014 on the file of the Judicial Magistrate No.I, Puducherry .

2. The petitioner was charged for the offence under Section 171 (E) of IPC on the ground that during the election time, he has entered into a particular area and given bribe to the voter by paying Rs.2000/-. It is the contention of the petitioner that on the date of the occurrence, a thatched hut of one Elumalai was burnt during the fire accident, due to short circuit and as the sitting MLA the petitioner went to the place

to console the affected person and paid the amount as immediate relief and also assured to get the government relief. Therefore, such an act cannot be construed as giving bribe to the voters and hence, prayed for allowing the petition.

3. The learned Public Prosecutor, Puducherry submitted that the petitioner infact went to the spot immediately and met the affected person in that area and as the interim measures he has paid some amount to the victim. Hence, such an act cannot be amount to bribe.

4. I have perused the entire statement of the witnesses recorded under Section 161 of Cr.P.C. The same makes it clear that on the date of occurrence i.e on 18.03.2013 unfortunately, a fire accident took place in the house of one Elumalai and his entire hut has been destroyed in the fire. As MLA of that particular area, the petitioner visited the area and consoled the victim and paid some amount to the victim. All the statements of the witnesses reveals the same. It is to be noted that when the entire hut of the people has been destroyed in a fire accident, it is normal for the political representative to visit the place and give some relief. Such an act cannot be construed as giving a bribe. Therefore, this Court is of the view that any minimum help has been made, such act cannot be construed as offering a bribe. Also, this Court is of the considered view that allowing the petitioner to face the trial will not give any benefit to the prosecution in bringing the alleged crime against the accused, and further continuing the trial infact will violate the very rights of the parties.

5. Accordingly, the charge sheet filed as against the petitioner in STC No.4224 of 2014 on the file of the Judicial Magistrate Court No.I, Puducherry, stands quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Nettapakkam Police Station,
Puducherry.

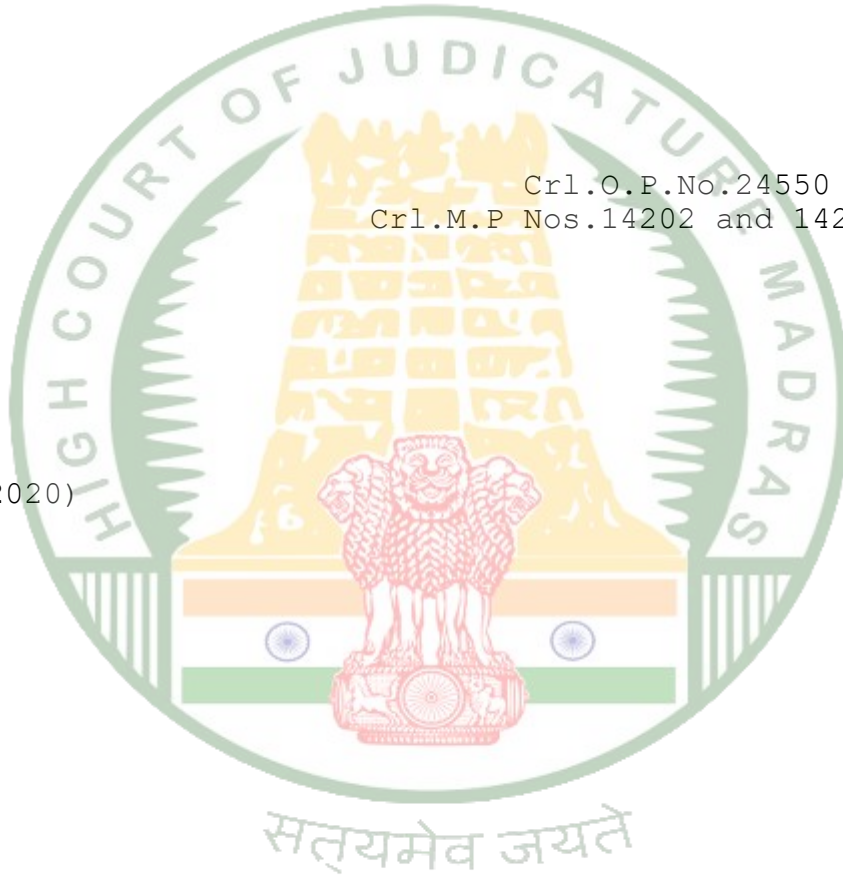
2.The Judicial Magistrate No.1,
Puducherry.

+lcc to Mr.S.Doraisamy, Advocate, Sr.No.20320

+lcc to Public Prosecutor,Puducherry, Sr.No.20396

-Crl.O.P.No.24550 of 2017 and
Crl.M.P Nos.14202 and 14203 of 2017

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