



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.3227 of 2020

- 1.V.Rajendran
- 2.M.Selvaraju
- 3.B.Venkatachalam
- 4.B.K.Rajendran
- 5.D.Subbaraj
- 6.P.P.Rajendran
- 7.S.Chanderasekar
- 8.P.Mohammed Salim
- 9.A.Farook Ali
- 10.S.Sivakumar

... Petitioners/ A1 to A10
-vs-

State through the
Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Trichy.
Crime No.5 of 2015.

... Respondent/Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in relating to Special Case No.5 of 2018 on the file of Special Court for PC Cases, Tiruchirappalli and quash the same.

For Petitioners : Mr.D.Raja Gopal for
Mr.P.Ezhil Nilavan

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor.

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

2. The petitioners herein are arrayed as A1 to A10 in Special Case No.5 of 2018, on the file of the Special Court for Prevention of Corruption Act Cases, Tiruchirappalli. The 11th accused, Raju, the then Managing Director is no more and the proceedings against him have already abated.

3.The case of the prosecution is that the petitioners have committed the offence under Section 120(b),167 r/w 120(b) IPC, Section 409 r/w 120(b), Section 477A r/w 120(b) IPC and under Section 13(2) r/w 13(1) (c) and (d) of Prevention of Corruption Act, 1988 r/w 120(b) IPC. The occurrence had taken place during 2008-



2009. The petitioners, who are officials of Tamil Nadu State Transport Corporation, (Kumbakonam Limited), Trichy Region are said to have prepared bills and vouchers for a sum of Rs.3,32,715/- under the head of 'meetings expenditure'.

4. The stand of the petitioners is that during this period, the Transport Minister made a number of visits to Kumbakonam along with his entourage. Even the dates have been specifically mentioned. The Minister is said to have been visited Kumbakonam on 05.11.2008, 17.12.2008, 03.01.2009, 04.02.2009, 05.05.2009 and 29.06.2009. It has been convincingly brought out that the Managing Director was authorised to sanction expenditure on entertainments at the instance of the Corporation during the visits of VIPs to Kumbakonam. It cannot be denied that the Transport Minister is a VIP. Therefore, when the Managing Director/All in this case had sanctioned the expenditure, the petitioners herein cannot be blamed for preparing the bills and vouchers. It is not the case of the prosecution that the meetings were never conducted. Of course, the learned Additional Public Prosecutor would point out that even agenda was not prepared, but this fact is rebutted by the petitioners' counsel who would point out that the question of preparing agenda would arise only for Board meetings. When the Transport Minister makes a visit, certain basic arrangements will have to be necessarily made. Only to make out the expenditure, the impugned bills and vouchers were prepared by the petitioners herein. It is not the case of the prosecution that there was any falsification of record or that the petitioners herein had pocketed the moneys of the corporation. Looked at from any angle, no offence is made out. The proceedings in Special Case No.5 of 2018, on the file of the Special Court for Prevention of Corruption Act cases, Tiruchirappalli, stand quashed.

5. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

das

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Special Judge for Prevention of Corruption Act cases, Tiruchirappalli.

2.The Deputy Superintendent of Police, Vigilance and Anti Corruption Wing, Trichy.

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

+1 CC to M/s P.Ezhil Nilavan, Advocate, in SR.No.19505.

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(MJ) CO

AP(18/02/2021) 3P 5C