



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.592 of 2020

V.Suresh Kumar : Petitioner/Petitioner/
Accused No.1

Vs.

The Inspector of Police,
Department of Vigilance and Anti Corruption,
Theni District. : Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Code of Criminal Procedure, to call for the records of the order dated 28.08.2020 made in Crl.M.P.No.1882 of 2020 in Special Case No.1 of 2020 on the file of the Special Judge for Prevention and Anti Corruption, and Chief Judicial Magistrate, Theni and set aside the same.

For Petitioner : Mr.N.Ananthapadmanabhan,
For M/s.Apn Law Associate.

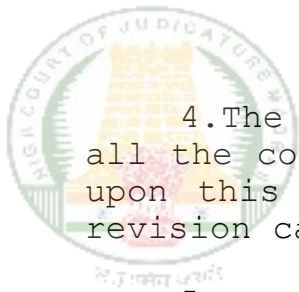
For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioner is facing trial in a case under the Prevention of Corruption Act in Spl.Case No.1 of 2020 on the file of the Special Court for Prevention and Anti Corporation Cases, Theni District.

3.The petitioner filed Crl.M.P.No.1882 of 2020 seeking discharge. By a very detailed order dated 28.08.2020, the Court below has dismissed the discharge petition. Questioning the same, this criminal revision case has been filed.



4.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to set aside the order impugned in this criminal revision case and allow the discharge application.

5.Per contra, the learned Government Advocate (Crl. Side) submitted that the impugned order passed by the Court below does not warrant any interference.

6.After carefully considering the rival contentions and going through the materials on records, I am of the view that the order impugned in this criminal revision case does not warrant any interference. The petitioner is figuring as A1 in this case. The learned Government Advocate (Crl. Side) has drawn my attention to the statement recorded under Section 161(3) of Cr.P.C. given by the defacto complainant in which an allegation has been made against that this petitioner demanded a sum of Rs.3,000/- from the defacto complainant for issuance of the certificate in question. Whether this allegation is true or not can be a matter for appreciation only in the main trial. It is not possible to go into the contentions raised by the petitioner's counsel at this stage of discharge. The Court below has rightly found that there are prima facie materials warranting framing of charge against the petitioner herein.

7.I am therefore of the view that there is no merit in this criminal revision case and it stands dismissed. I make it clear that all the contentions and defences of the petitioner are left open. The Court below will pronounce on the guilt or innocence of the petitioner based on the evidence adduced before it and will not in any way be swayed by the dismissal of this criminal revision case.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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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 Court for Prevention and Anti Corruption
and Chief Judicial Magistrate,
Theni District.
2. The Inspector of Police,
Department of Vigilance and Anti Corruption,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**CrI.R.C. (MD) No.592 of 2020
02.11.2020**

NA (CO)
CS (21.12.2020) 3P 4C