



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11849 of 2020

1.V.Rajendran

2.M.Selvaraju

3.B.Venkatachalam

4.B.K.Rajendran

5.M.Ravi

6.S.Chandrasekar

7.P.Mohammed Salim

8.P.Chandrasekaran

9.Ponnurangam

10.A.Farook Ali

11.T.Rengaraj

... Petitioners / Accused Nos.1 to 11

Vs

State through the Deputy
Superintendent of Police,
Vigilance and Anti Corruption Wing,
Trichy (in Cr.No.5 of 2015)

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in relating to Spl.C.No.4 of 2018 on the file of the Special Court for PC cases, Tiruchirappalli and quash the same against the petitioners.

For Petitioners : Mr.K.S.Muthu

For Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

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

2.This Criminal Original Petition has been filed for quashing the proceedings in Special Case No.4 of 2018 on the file of the Special Court for PC Cases, Trichirappalli.



3.The case of the prosecution is that the petitioners herein who were employed in Tamil Nadu State Transport Corporation Limited in various capacities during the period from 2009 to 2016, spent a sum of Rs.4,02,843/- under wrong heads of accounts towards purchase of the flight and train tickets for the Deputy Chief Minister, Health Minister, Education Minister and Transport Ministers and their entourage.

The learned counsel appearing for the petitioners would draw my attention to the order passed by this Court on 25.11.2019 in Crl.O.P.(MD)Nos.11613 and 11484 of 2019. The said Criminal Original Petitions were filed for quashing the proceedings in Special Case No.1 and 2 of 2018 on the file of the Court below. The petitioners in the said Criminal Original Petitions were identically placed. I had quashed the proceedings and allowed the two criminal original petitions by holding that the prosecution had nowhere alleged that the persons concerned did not travel on the dates mentioned in the tickets. The only allegation made against the accused is that the accused failed to verify as to whether the tickets purchased by them were actually utilised. It is also seen that the Managing Director can very well sanction the expenditure in question. It is not in dispute that the board had ratified the expenditure.

5.As rightly pointed out by the learned counsel for the petitioner, the petitioners herein have not misappropriated the amounts. The expenses were drawn from the Corporation funds for actual purchase of the tickets. In fact, the relevant materials are also very much available. There is absolutely no question of falsification of records. The elementary ingredients of the offence under Section 477A are wholly absent. Likewise, the ingredients of the other offences, with which, the petitioners have been charged, are also not present. It is also not in dispute that the order dated 25.11.2019 passed by this Court allowing Crl.O.P.(MD)Nos.11613 and 11484 of 2019 has not been challenged or stayed as on date. Therefore, adopting the very same reasoning set out therein, the impugned proceedings stand quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /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 Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.11849 of 2020
02.12.2020

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