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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.6081 of 2021

and

CRL.M.P.No.3971 of 2021

G.Rooban Kumar

... Petitioner / Accused - 8

Vs.

State rep. by
Inspector of Police,
Vigilance and Anti Corruption,
Vellore Detachment,
Vellore District.
(Crime No.7/2012)

... Respondent / Complainant

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining the FIR in Crime No.7 of 2012 of the Inspector of Police, Vigilance and Anti Corruption, Vellore Detachment, Vellore, pending before the Special Judge for Vigilance and Anti Corruption Cases (Chief Judicial Magistrate) at Vellore and quash the same.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining the FIR in Crime No.7 of 2012 of the Inspector of Police, Vigilance and Anti Corruption, Vellore Detachment, Vellore, pending before the Special Judge for Vigilance and Anti Corruption Cases (Chief Judicial Magistrate) at Vellore and quash the same.

2. The Petitioner / A-8 is working as Assistant Engineer at the office of the Assistant Executive Engineer, Agricultural Engineering Department, Walajah Sub-Division, Vellore District. He prays for quashing the FIR pending against him for the offence punishable under Section 13(i)(d) of Prevention of Corruption Act, 1988 read with Sections 120(B), 467, 468, 471 and 420 IPC.



3. As per the FIR, the allegation against the petitioner is that the Tamil Nadu Government had implemented an Agricultural Mechanization Scheme for reducing the electricity consumption in the lands used by the farmers. This scheme was implemented in the year 2007 and as per the records maintained at the office of Accused - 2, M.Ramalingam, Assistant Executive Engineer, 344 farmers were benefited by this scheme. The petitioner along with other accused has misappropriated the Government Fund by creating false and forged documents under the schemes of Agricultural Mechanization and Integrated Wasteland Development Programme.

4. The learned counsel for the petitioner would submit that the Inspector of Police, Vigilance and Anti Corruption, Vellore Detachment, Vellore himself has suo-moto registered the case without any report from any official or farmer on 24.02.2012 for the alleged offence committed between 2007 and 2008. Further, he submits that the allegation of misappropriation of fund by the Accused 1 to 9 is baseless and particularly as far as the petitioner is concerned his role is very limited, he doesn't have the authority at all to implement the scheme and he just one of the employees who carry out the job as per the instructions given by the higher officials.

5. The Learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is already completed and two charge sheets have been filed before the Special Judge for Vigilance and Anti Corruption Cases (Chief Judicial Magistrate), Vellore and the same is pending for trial.

6. In view of the submissions made by the Learned Additional Public Prosecutor, the points raised by the petitioner herein that there is no material to show that there was misappropriation of fund by the Accused 1 to 9, could be decided only by the Trial Court. Hence, this Court is of the view that the the petitioner can work out his remedy before the Court below where the trial will be commenced and raise all the grounds raised herein.

7. Accordingly, this Criminal Original Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

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To

1. The Special Judge for Vigilance and Anti Corruption Cases
(Chief Judicial
Magistrate), Vellore.

2. The Inspector of Police,
Vigilance and Anti Corruption,
Vellore Detachment,
Vellore.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6081 of 2021
and
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SSN(CO)
B.VC (23/09/2021)