

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.20079 of 2020

R.Manivannan

S/o.V.Rangasamy

... Petitioner

Vs.

The Deputy Superintendent of Police
Vigilance & Anti-Corruption
Namakkal District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to expedite the disposal of the discharge petition in C.M.P.No.1175 of 2017 against C.C.No.88 of 2017 on the file of the Chief Judicial Magistrate Court, Namakkal, within the time frame fixed by this Court.

For Petitioner : Mr.K.Nagendra Prasad

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Criminal Original Petition has been filed seeking to expedite the disposal of the discharge petition in C.M.P.No.1175 of 2017 against C.C.No.88 of 2017, pending on the file of the Chief Judicial Magistrate Court, Namakkal, within the time frame fixed by this Court.

2.Learned counsel for the petitioner submitted that the petitioner is an accused No.1 in C.C.No.88 of 2017, pending on the file of the Chief Judicial Magistrate Court, Namakkal, for the offences under Section 193, 465, 468 and 471 IPC and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 in Crime No.2/AC/2015. He would submit that the petitioner had filed a petition seeking to discharge him from the case and the same was numbered in C.M.P.No.1175 of 2017. Since the discharge petition has not been disposed off, the present petition is filed seeking for a direction.

3.This Court, on finding that the petition in C.M.P.No.1175 of 2017 had been pending for about three years, called for the report from the concerned Trial Court Judge.

The report has been received from the learned Chief Judicial Magistrate (FAC), Namakkal in D.No.136/Shr/2021 dated 01.02.2021, the relevant paragraphs read as follows:

"I humbly submit that, On perusal of the case bundle the said petition was filed u/s.239 Cr.P.C. by First Accused Manivannan, to discharge him from charges levelled against him u/s.193, 465, 468 and 471 of IPC and u/s.13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 in C.C.No.88/17. The said petition was numbered as Cr.M.P.No.1175/2017 on 28.07.2017 and posted to 10.08.2017 for counter. Subsequently counter was filed on 22.09.2017 and posted to 23.11.2017, for enquiry. Thus this petition was ripe for enquiry from 23.11.2017. However the petitioner had not chosen to show any urgency in progressing the petition. Further, more he remained absent for more than 13 hearing and petition u/s.317 Cr.P.C. was filed to dispense his appearance.

Thereafter from 08.10.2020 this Court was functioning in a staggered manner due to Covid 19 pandemic and therefore the case was kept adjourned for enquiry. Moreover the Chief Judicial Magistrate, Namakkal was promoted and transferred on 18.09.2020 from then the Secretary of District Legal Service Authority, Namakkal was in Full Additional Charge of the said post. In the meantime since the Secretary of District Legal Service Authority, Namakkal was under medical leave, the Principal Sub Judge, Namakkal was holding Full Additional Charge of the said post from 04.01.2021. Therefore the above mentioned C.M.P.No.1175/2017 is pending for enquiry till now before this Court."

4.Learned Additional Public Prosecutor would submit that on account of Covid-19 situation, there was no physical hearing. The Courts have started functioning physically only from 08.10.2020 and that only from 04.01.2021, the learned Principal Sub Judge, Namakkal has been directed to hold Full Additional Charge of the said Court.

5.Heard the counsels. Perused the report received from the learned Chief Judicial Magistrate (FAC), Namakkal and other materials placed on record.

6.Perusal of the report shows that though the petition for discharge was ripe for enquiry from 23.11.2017, the petitioner had not shown any urgency in progressing the petition and remained absent for more than 13 hearings and petition under Section 317 Cr.P.C. were filed to condone his absence and thereby there had been no delay on the part of the Court. Further more on account of Covid-19, the Courts were not functioning and physical hearing has commenced only from

08.10.2020 in a staggered manner and meanwhile the concerned Trial Judge has also been promoted and transferred on 18.09.2020 and now the learned Principal Sub Judge, Namakkal is holding Full Additional Charge of the said post from 04.01.2021. There had been no delay on the part of the Court. Strangely the petitioner who had shown no urgency all along had come out with this petition for speedy disposal for the reasons best known to him.

7.It is seen that C.C.No.88 of 2017 is a case registered for the offences under Section Prevention of Corruption Act and the Trial has to be proceeded without delay. In view of the above, learned Trial Judge is hereby directed to dispose of the C.M.P.No.1175 of 2017 as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kas

To

- 1.The Principal Sub Judge
Namakkal
- 2.The Chief Judicial Magistrate (FAC)
Namakkal
- 3.The Public Prosecutor
High Court of Madras
Chennai 600 104.
- 4.The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Namakkal District.

+1cc to Mr.K.Nagendra Prasad, Advocate SR.5963

CRL.O.P.No.20079 of 2020

RLD(CO)
CB(26/02/2021)