



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Appellate Jurisdiction**

Wednesday, the Sixth day of October Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) . No.8015 of 2021

in

CRL OP(MD) .No. 12640 of 2020

The Inspector of Police
Vigilance and Anti-Corruption(V and A C)
Thoothukukdi District.
(Crime No. 3 of 2018) ... Petitioner/Respondent

Vs

Su.Gangaatharan
Formerly Working as Executive Engineer
Public Works Department
S/o. Suyamburajan,
No.124, Ram Nagar, Maharaja Nagar Post,
Tirunelveli-627011. ... Respondent/Petitioner

Prayer in CRL MP(MD) . No.8015 of 2021:-

This Petition filed under Section 482 of Criminal Procedure Code, praying this Court to grant extension of time for the period of five months in Crl.M.P(MD)No.2952 of 2021 in Crl.O.P(MD)No.12640 of 2020 dt. 9/11/2020 for filing final report before competent court of law.

Prayer in CRL OP(MD) . 12640/ 2020 :

This Petition filed under Section 482 of Criminal Procedure Code, praying this Court to issue a direction directing the respondent to investigate the case and file the final report in Crime No.3 of 2018 which is pending on the file of the respondent herein in accordance with law.

ORDER:- This Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. E.Antony Sahaya Prabahar, Additional Public Prosecutor, for the Petitioner and of Mr. A.M.Esakkiappan, Advocate for the respondent, this Court made the following order:



This petition has been filed praying to extend the time for filing the final report in respect of Cr.No.3 of 2018, dated 01.10.2018 on the file of the petitioner.

2. Previously, upon the complaint given by one J.Raju, the petitioner herein has registered a case against the respondent and others in Cr.No.3 of 2018 for the offences punishable under Sections 120-B, 167, 409, 465, 467, 468, 471 and 477-A of IPC and Section 13(1)(c) and 13(1)(d) r/w 13(2) of the P.C.Act, 1988 r/w 109 of IPC. Pending investigation, the respondent herein filed an application in Crl.O.P(MD)No.12640 of 2020, wherein, he prayed for the direction directing the petitioner to file a final report within a stipulated period.

3. On 09.11.2020, while at the time of disposing the said petition, this Court, directed the petitioner to complete the investigation and file final report within a period of six months from the date of receipt of a copy of that order. Only in the said circumstances, the petitioner herein is before this Court by filing the application for extension of time.

4. Today, when this petition is came up for hearing, the learned Additional Public Prosecutor appearing for the petitioner would submit that in the petition mentioned Cr.No.3 of 2018 investigation has already been completed and now the papers are submitted before the competent authority for getting an order of sanction. Therefore, the petitioner seeks few more months for filing the final report in this case.

5. Per contra, the learned counsel appearing for the respondent appeared before this Court through Video Conferencing and made a submission as previous to filing of this application, the petitioner filed another application in Crl.M.P(MD)No.2952 of 2021 for the same relief. In that application, by order dated 09.04.2021 this Court granted four months time for filing final report. Accordingly, he objected for allowing this application.

6. I have considered the rival submissions made by the counsels appearing on either side.

7. It is an admitted fact that Cr.No.3 of 2018 has been registered against the respondent under the provisions of Anti Corruption Act. Being the reason that the respondent was working as a Executive Engineer, it is for the petitioner to obtain a sanction for prosecuting the respondent.

8. All are well aware, for ordering the sanction, the Government has to pass a Government Order and the same took considerable time. Therefore, considering the facts and circumstances of the case, this Court is inclined to extend the



9. Accordingly, this petition is ordered and time is extended by three months from today for filing the final report in Cr.No.3 of 2018.

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Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Inspector of Police
Vigilance and Anti-Corruption(V and A C)
Thoothukukdi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 06/10/2021

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EXTENSION OF TIME

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CRL MP(MD). No.8015 of 2021
in
CRL OP(MD).No. 12640 of 2020

Giving direction and etc.
as stated within.

GC(18.10.2021) 3P 3C