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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.9378 of 2022

P.Bhuvaneswari

...Petitioner

Vs.

The State of Tamil Nadu rep.by
The Inspector of Police,
Vigilance and Anti Corruption
City Special Unit-III
Chennai - 600 035.
(Crime No.9/AC/2013)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records and set aside the order passed dated 03.03.2022 in Crl.M.P.No.10354 of 2021 in Special C.C.No.7 of 2014 on the file of the Special Judge/Chief Judicial Magistrate Court, Chengalpet.

For Petitioner : Mr.K.M.Subramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed against the order passed in Crl.M.P.No.10354 of 2021 in Special C.C.No.7 of 2014 on the file of the Special Judge/Chief Judicial Magistrate Court, Chengalpet, dated 03.03.2022.

2.The learned counsel for the petitioner submitted that the petitioner has filed a petition under Section 91 of Cr.P.C., in Crl.M.P.No.10354 of 2021 in Special C.No.7 of 2014, before the learned Chief Judicial Magistrate, Chingleput, to produce petition mentioned documents to defend her case effectively and by an order dated 03.03.2022, the learned Judge, has dismissed the said petitioner. Hence, the Criminal Original Petition.

3.The learned counsel for the petitioner submitted that petitioner is being prosecuted for the offence under Section 7 and 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988 and that she has not committed any offence and to establish



her innocence, petition mentioned documents are necessary to produce before the Court. However, without considering the petitioner's claim, petition in Crl.M.P.No.10354 of 2021 was dismissed. Though, the petitioner claims all the documents, now, she restricted her claim only to two documents.

4.Per contra, learned Government Advocate (Crl.Side) submitted that this petition has been filed when trial is about to be completed. The petitioner had already filed a petition to recall almost all the witnesses and that was also dismissed by the Trial Court. Against the said dismissal order, a petition was filed before this Court and this Court had issued a direction to permit recall of two witnesses. This is another petition filed only with a view to protract the proceedings. Further, he would submit that so far as, first document related to patta transfer proceedings is concerned, the copies of this document had been furnished to the petitioner under 207 Cr.P.C., and it is noticed as Serial No.16 from Page Nos. 1 to 196, that was shown in column 16 of the final report and that fifth document cannot be produced now for the reason that this document relates to period from 11.02.2012 to 30.12.2013. Therefore, it is not traceable now.

5.With regard to Item No.II the accused seeks copy of patta transfer application form, which is not available in the Office of the Investigation Officer but it is available in the office of the Tahsildar, Madurantakam, Chengalpet and hence, it is open to the accused if he so be advised to move appropriate application in respect of Document No.II. In respect of Document No.I since it has already been served on the petitioner under Section 207 Cr.P.C., this Court does not warrants any interference with the same.

6.Accordingly, this Criminal Original Petition is dismissed with a liberty to the petitioner to file an appropriate application in respect of the Document No.II, if necessary from Taluk office.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vigilance and Anti Corruption,
City Special Unit-III,
Chennai - 600 034.

2. The Special Judge/Chief Judicial Magistrate,
Chengalpet.

3. The Public Prosecutor,
Puducherry.

Crl.O.P.No.9378 of 2022

NRL (CO)
RGA (24/06/2022)