



Crl.R.C.No.1233 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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Saravanakumar

... Petitioner/Accused

Vs.

The State rep. By
Additional Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Villupuram.

Crime No.3 of 2022

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, prayed to call for the records and set aside the order passed by the learned Chief Judicial Magistrate at Villupuram in C.M.P.No.64 of 2022 on 08.06.2022 and direct the respondent to produce cash Rs.38,75,000/- to petitioner herein.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.S.Udayakumar

Government Advocate(Crl.Side)

ORDER

This petition has been filed to set aside the order passed by the learned Chief Judicial Magistrate at Villupuram in C.M.P.No.64 of 2022 on



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08.06.2022 and direct the respondent Police to produce cash Rs.38,75,000/- to the petitioner herein.

2. In continuation of the earlier order passed by this Court on 16.09.2022, the Director General of Police, Vigilance and Anti Corruption, Chennai has filed a detailed status report dated 11.10.2022. It would be appropriate to extract the following paragraphs:

“11) It is respectfully submitted that while so the petitioner filed a petition in CMP.No.64/2022 before the learned Chief Judicial Magistrate, Villuppuram with a prayer to return the seized amount of Rs.38,75,000/-. It is submitted that the Investigation Officer vehemently objected the said application by filing his counter. The learned Chief Judicial Magistrate after hearing both sides and on perusal of the documents filed by the petitioner and the submission made by this respondent that those are fabricated documents purchased from the same stamp vendor serially, rightly dismissed the said petition on 08.06.2022.

12) It is submitted that the petitioner/2nd accused admitted before the Inspection Cell Officer that he had collected the bribe amount from the cooks who were appointed to the Adi Dravidar Students Hostel in Trichy District on the instruction of Tr.Kalaimohan and was caught red handedly while transporting the said amount to hand over the same to the 1st accused Tr.Kalaimohan. The investigation officer represented by Deputy Legal Advisor vehemently objected the claim of the petitioner/2nd accused by filing a detailed counter.



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13) It is submitted that the petitioner/2nd accused produced certain debentures in stamp papers and pronotes in support of his claim before the trial court. As the stamp papers were purportedly purchased by the petitioner/2nd accused was from one stamp vendor Tr.Tamilselvan on 05.03.2022, 08.03.2022 and 11.03.2022 with consecutive numbers namely 02AC 422202, 02AC 422203 and 02AC 422204 and also considering other aspects in the said documents pointed out by the prosecution side that those documents are fabricated by the petitioner/2nd accused, the learned Special Judge rightly dismissed the application filed by the petitioner/2nd accused. The investigation revealed that the stamp papers were purchased subsequent to the date of Joint Surprise Check.

14) It is submitted that thereafter the Investigation Officer examined the 3rd accused Tr.Mani on 09.06.2022 and recorded his statement. Further, in order to get explanation regarding the alleged seizure of money and the documents produced by the petitioner in CMP.No.64/2022, the Investigation Officer summoned the petitioner u/s 41A of Cr.P.C and recorded his statement on 15.06.2022. At the request of petitioner, the Investigation Officer granted time to the petitioner on his written request for producing the said documents and for giving explanation regarding the documents filed by him in CMP No.64/2022.

15) It is submitted that in this case all the remaining witnesses are residing at Trichy. Hence, in order to conduct effective and speedy investigation in this case, the Investigation Officer sent a request letter to the Directorate of Vigilance and Anti-Corruption for transferring the Investigation of this case to the Vigilance and Anti-Corruption, Trichy Detachment. Accordingly, the investigation of this case was ordered to be conducted by Tr.Prasanna Venkatesh, Inspector of Police, Vigilance and Anti-Corruption, Trichy detachment on 16.09.2022 and the case file was handed over to him on 17.09.2022 for further investigation.



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16) It is submitted that the present Investigation Officer Tr.Prasanna Venkatesh, Inspector of Police, Trichy detachment has enquired all the 57 witnesses, and collected all relevant documents. He completed investigation and has sent Draft Final Report to this Directorate on 29.09.2022 to prosecute the Accused 1 to 4 u/s 120(B) IPC and 7(b), 12 of Prevention of Corruption Act 1988 as amended by the Prevention of Corruption (Amendment) Act 2018 and added accused namely Tr.Arumugam, Special Tahsildar of Adi-Dravidar Welfare Office, Thuraiyur to prosecute u/s 13(a) of Prevention of Corruption Act 1988 as amended by the Prevention of Corruption (Amendment) Act 2018.

17) It is submitted that this Directorate after the scrutiny of Draft Final Report send by the present Investigating Officer has recommended to prosecute the Accused 1 to 4 u/s 120(B) IPC and 7(b), 12 of Prevention of Corruption Act 1988 as amended by the Prevention of Corruption (Amendment) Act 2018 and additional accused Tr.Arumugam, Special Tahsildar of AdiDravidar Welfare Office, Thuraiyur u/s 13(a) of Prevention of Corruption Act 1988 as amended by the Prevention of Corruption (Amendment) Act 2018. The final report was sent to Vigilance Commission on 03.10.2022.

18) It is submitted that after getting concurrence from Vigilance Commission this Directorate will approach the competent authority to accord sanction to prosecute the accused before the Court of Law. Then the Investigation Officer has to brief the competent authority, produce the relevant document for his perusal and finally examine him for according sanction of prosecution. Hence after getting Sanction order for prosecution from the competent authority concerned in respect of the accused 1 to 5, I assure that the charge sheet will be filed before the court of Law concerned as early as possible without any delay on our part.



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20) It is also submitted that we have issued instructions to the Investigation Officers to complete the investigation and to file Draft Final Report in long pending UI cases/enquiries. Accordingly, the Investigation Officer of this case namely P.Anbalagan, Inspector of Police conducted investigation and filed Draft Final Report in 7 other old cases after he took charge as Investigation Officer of those cases.

22) It is submitted that the Petitioner/2nd Accused has been listed as A2 and the investigation of the case has been completed. The Investigation Officer has collected sufficient evidence that Petitioner/2nd Accused demanded and received bribe amount from the illegally appointed cooks through A3, A4 and was transporting the money to be paid to A1 Kalaimohan to reinstate him in the service. The Petitioner/2nd Accused has approached W50 to 53 and got their signature in the empty, unwritten bonds / pronotes and has created fabricated documents as if W50 to 53 have given loan to petitioner. The petitioner has not come to this Hon'ble Court with clean hands and this petition is liable to be dismissed in limine.”

3. This Court satisfied with the reasons given by the Director General of Police as regards the progress of investigation. In view of the above report, this Court is not inclined to entertain this revision petition. Hence, this Criminal Revision Case is dismissed.

11.10.2022

Index : Yes/No

Internet : Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.Additional Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Villupuram.
- 2.The Chief Judicial Magistrate,
Villupuram.
- 3.The Public Prosecutor,
High Court, Madras.

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