



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.20838 OF 2017

AND

CRL.M.P.NO.12389 OF 2017

Venkatesan
S/o.Munisamy

.. Petitioner/ Accused 1

/versus/

1. The State
Rep.by the Inspector of Police,
District Crime Branch,
Kancheepuram,
Kancheepuram District.
(Crime No.12 of 2013)
2. The Deputy Director General and
State Information Officer,
Government of India,
National Information Centre,
Tamil Nadu State Centre,
E2-A, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.

.. Respondents

(2nd respondent is impleaded
as per the order of this Court
dated 04.03.2019 made in
Crl.M.P.No.3260/2019 in
Crl.O.P.No.20838/2017)

PRAYER:

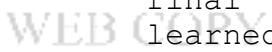
Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet filed in C.C.No.18 of 2017 pending on the file of the learned Judicial Magistrate-II, Kancheepuram and quash the same.

For Petitioner :Mr.R.Sankarasubbu

For Respondents:Mr.R.Kishore Kumar

Government Advocate (Crl.side) for R1

: Mr.R.P.Pragadish for R2





that absolutely there is no materials to constitute the offences against this petitioner and hence, he sought to quash the proceedings.

5. It is his further contention that, the Internal Enquiry conducted by the NIC does not show any involvement of the petitioner and it is also indicated that the older version was used by the State, that has been the reason for the manipulation and the Enquiry Report ruled out the possibility of the involvement of A1 and the Memorandum of Understanding for installation and usage of National Informatics Center Computer Facilities also indicates that, the collection of data and entry/ preparation and validation will be entirely the responsibility of the State. Such being the position, it is the contention that the final report is filed merely on the basis of assumption.

6. The learned counsel appearing for the State/1st respondent submitted that one of the witnesses stated that the District Informatics Officer used to visit the computer and he would have manipulated. Hence, he opposed to quash the Criminal Original Petition.

7. Heard both sides and perused the entire materials available on records.

8. Normally, when the final report indicates the prima facie materials, this Court will not make roving enquiry, while exercising power under Section 482 of Cr.P.C. However, when the entire materials taken in the face value would not constitute an offence, there is no useful purpose in keeping the final report forcing the petitioner undergo the ordeal of trial. The crux of the charge is that, A2 and A3 dealt with the revenue land and obtained computer patta with the help of A1. It is also noted that the entire manipulation, according to the prosecution, took place in the computer at Sriperumbadur Taluk. A1 was admittedly appointed as a District Informatics Officer at Kancheepuram. Though he was given the password with regard to the server, the fact remains that only in Sriperumbadur Taluk, one of the Centers, manipulation appears to have taken place. It is relevant to note that, the Forensic Examination of the server does not show any manipulation in the patta. Whereas, the technical people of NIC conducted Internal Enquiry and with the Technical Expertise, they found that the involvement of A1 is totally ruled out. In fact, they suggested that the old version of the computer maintained by the State should be replaced.

9. In this scenario, in the absence of scientific evidence, in the name of Forensic Evidence, without any material to prove the alleged manipulation by A1, merely because some data has



been manipulated somewhere else in the computer, which is not under the control of A1 at the relevant point of time, this Court is of the view that the entire prosecution case is nothing but a futile exercise and it does not serve any purpose. Accordingly, the final report in C.C.No.18 of 2017 pending on the file of the Judicial Magistrate-II, Kancheepuram against the petitioner is hereby quashed.

10.In the result, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ari/gba

To:

1. The Judicial Magistrate-II,
Kancheepuram.
2. The Deputy Director General and
State Information Officer,
Government of India,
National Information Centre,
Tamil Nadu State Centre,
E2-A, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.
3. The Inspector of Police,
District Crime Branch,
Kancheepuram,
Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras.

+6ccs to Mr.R.Sankarasubbu, Advocate, S.R.No.2072,2365,2547

Crl.O.P.No.20838 of 2017 and
Crl.M.P.No.12389 of 2017

GPL (CO)
PM/11/02/2022