



W.P. No.28404 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HON'BLE MR. JUSTICE T. RAJA

AND

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P. No.28404 of 2021

and

W.M.P.Nos.29997 of 2021 & 4984 of 2022

H.Sathak Ahmed Shaw

... Petitioner

Vs.

1.The Registrar,
Vigilance,
Madras High Court,
Chennai.

2.The Inspector of Police,
CCB, Chennai.

3.Tmt.Mavis Deepika Sundaravadhana,
Principal District and Sessions Judge,
Chengalpattu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to conduct enquiry on the complaint dated 12.11.2021 and take necessary action in accordance with law.



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For Petitioner : Mr.S.Doraisamy
For R1 : Mr.Fakkir Mohideen
Standing Counsel
For Petitioner : Mr.B.Sathish Sundar
in W.M.P.No.4984 of 2022

ORDER

(Order of the Court was made by **T.RAJA, J.**)

H.Sathak Ahmed Shaw, S/o. Late.M.S.Hameed, has come to this Court for issuance of a Writ of Mandamus under Article 226 of the Constitution of India to direct the 1st respondent/Registrar (Vigilance), High Court, Madras, to conduct an enquiry on the complaint, dated 12.11.2021, filed by the petitioner's father Late.M.S.Hameed.

2.Mr.S.Doraisamy, learned counsel appearing for the petitioner submitted that the petitioner's father filed a complaint before the Judicial Magistrate, Alandur, for the alleged offences committed by one Dhanraj Kochar and others. The learned Judicial Magistrate directed the Thuraipakkam Police to register a case. Accordingly, the said Police registered a case in Crime No.815 of 2006 on 04.08.2006 for the offences under Sections 408, 420, 468



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and 120-B IPC. After completion of the investigation, charge-sheet was filed before the learned Judicial Magistrate, Alandur, in C.C.No.530 of 2007, dated 16.04.2007. Thereafter, the petitioner's father died on 22.08.2008. Hence, an application was filed to implead the petitioner in the quash petition filed by the accused in M.P.No.2 of 2015 in CrI.O.P.No.15866 of 2015, the same was allowed by impleading the petitioner, by order dated 24.07.2015. The petitioner, being the legal heir of the victim, has stepped into the shoes of his father, who has filed the original complaint.

3.The learned counsel for the petitioner further submitted that, after sometime, the trial Court on completion of the enquiry, passed an order holding the accused A1 guilty of the proved charges and A1 was found guilty and convicted for the offences under Sections 409 and 120-B IPC and A2, A3, A5, A7 to A10 were also found guilty and convicted for the offences under Section 409 r/w.109 and 120-B IPC and sentenced them to undergo imprisonment for three years and also to pay a fine of Rs.10,000/- each, in default, to undergo imprisonment for three months, against which, an appeal was filed before the Principal Sessions Court at Chengalpattu in CrI.A.No.82 of 2017. Since the appeal was not disposed of, the petitioner filed a petition to expedite the appeal in CrI.O.P.No.20159 of 2019 and an order was passed on 31.07.2019, giving



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direction to the learned Principal District and Sessions Judge to expedite the appeal in CrI.A.No.82 of 2017 and complete the same within a period of three months from the date of receipt of a copy of the order and also report before this Court after completion of the same. Thereafter, the accused filed a petition under Section 391 Cr.P.C. before the learned Principal District and Sessions Judge at Chengalpattu to mark additional documents, the same was dismissed by the learned Judge by order dated 08.12.2020. Thereafter, the accused filed several petitions under Section 391 Cr.P.C. to drag on the appeal. Against the above order of dismissal, the accused filed Criminal Revision Case before this Court in CrI.R.C.No.1281 of 2020 and CrI.R.C.Nos.2, 5, 6, 7 of 2021 and CrI.R.C.No.10 of 2021 before this Court and this Court, by order dated 05.08.2021, issued direction to the appellate Court to dispose of the appeal in CrI.A.No.82 of 2017 on or before 30.09.2021 with a further direction to both the counsel to extend their co-operation for effective compliance of the order.

4.The learned counsel would further submit that, after the appeal was finally heard between 20.09.2021 to 22.09.2021, 28.09.2021, 29.09.2021 and 01.10.2021, the 3rd respondent posted the matter for pronouncing judgment on 27.10.2021. The judgment was not pronounced on the said date and it was adjourned to 12.11.2021. Again on the said date, the judgment was not



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pronounced and was adjourned to 16.11.2021 by the 3rd respondent. When it is not known what transpired not to dictate the judgment, finally, the case was posted for judgment on 25.11.2021. On 25.11.2021 also, the judgment was not pronounced and the above case was adjourned to 15.12.2021 by the 3rd respondent without any reason. Therefore, the petitioner, entertaining suspicion for continuous adjournments, made a complaint to the 1st respondent on 12.11.2021 to enquire the above allegation and take action. As there was a delay, the petitioner has come to this Court.

5.Mr.Fakkir Mohideen, learned Standing Counsel appearing for the 1st respondent, submitted that, now the complaint given by the petitioner has been taken up by the competent authorities, by which, the 1st respondent/Registrar (Vigilance) has been directed to file verification report on 07.01.2022.

6.Since the complaint has been taken over by the Registrar (Vigilance), High Court, Madras, nothing survives for further adjudication in the matter. Therefore, this writ petition stands closed. No costs. Connected miscellaneous petition in W.M.P.No.29997 of 2021 is also closed.



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7. Since the complaint has been taken over by the competent authority, nothing survives in the impleading petition also. Therefore, W.M.P.No.4984 of 2022 also stands closed.

(T.R., J.) (S.S.K., J.)
04.03.2022

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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

To

1. The Registrar,
Vigilance,
Madras High Court,
Chennai.

2. The Inspector of Police,
CCB, Chennai.



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T. RAJA, J.
and
SATHI KUMAR SUKUMARA KURUP, J.

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