



CRL.O.P.No.26502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.26502 of 2022

and

CrI.M.P.Nos.16306 & 16307 of 2022

S.Sundarrajan

... Petitioner/A-1

Versus

1.State Represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruvannamalai Detachment.

2.M.Sasikala

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Spl.C.No.6 of 2022 pending on the file of the learned Chief Judicial Magistrate and Special Judge, Thiruvannamalai and quash the same as against the petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondent-1 : Mr.S.Udayakumar
Government Advocate (CrI. Side)

ORDER

This petition has been filed to call for the records in Spl.C.No.6 of 2022 pending on the file of the learned Chief Judicial Magistrate and



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Special Judge, Thiruvannamalai and quash the same as against the petitioner.

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2. This Court, by order dated 01.11.2022, passed the following order:

“The petitioner is A1 in Spl.C.No.6 of 2022 on the file of the learned Chief Judicial Magistrate and Special Judge, Thiruvannamalai and facing trial for offence under Sections 406, 409, 465, 468, 471, 477(A), 120(B) of IPC and 13(2) r/w 13 (1) (c) and (d) of the Prevention of Corruption Act, has filed this quash petition.

2. The petitioner/A1 along with one K.Balakrishnamurthy/A2 - Block Development Officer, Peranamallur, Tiruvannamalai District and R.Mathivanan/A3, Deputy Block Development Officer (Noon Meal) Peranamallur, Tiruvannamalai district are facing trial. The primary contention of the petitioner is that the petitioner was working as an Assistant Director (Audit), Cheyyar Division, Cheyyar and he was a part of the selection committee for the post of Noon Meal Organiser and Cook Assistant and he interviewed the candidates between 25.02.2016 and 26.02.2016 thereafter the candidates performance were enlisted and signed. Later the petitioner came to know that K.Balakrishnamurthy/A2 - Block Development Officer, Peranamallur, Tiruvannamalai District had made some corrections in the marks for selecting one ineligible candidate



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Sumathi by adding 10 marks to her as Widow, due to which she got selected but later she resigned the job on being exposed. The petitioner had given a complaint on 29.02.2016 to the District Collector, Thiruvannamalai about the corrections made in the marks and L.W.7 Personal Assistant to District Collector in his statement he admits about the complaint lodged by the petitioner and he referred to the recommendation made by A2 on 03.03.2016 in selecting the said Sumathi. The learned counsel for the petitioner further contended that on the complaint made by the petitioner an enquiry was conducted and the District Collector, Tiruvannamalai in his report Na.Ka.9214/2016pa a1 dated 02.08.2016 found the corrections made by A2 and selected the ineligible candidate Sumathi by adding marks.

3. In view of the finding of the District Collector, the petitioner's complaint stands proved and without considering the same the respondent police approached the case as though the petitioner along with two other accused had conspired and abetted the other accused in commission of offence. In view of the above, the petitioner had been made as an accused in this case along with two others.

4. The learned Government Advocate (Crl.side) submitted that all the three accused were jointly responsible for selection to the post of Noon Meal Organiser and Cook Assistant and there was no demarcation of powers to any



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individuals.

5. As regards the petitioner's letter dated 29.02.2016 and the District Collector, Tiruvannamalai enquiry report Na.Ka.9214/2016pa a1 dated 02.08.2016, the learned Government Advocate (Crl.side) seeks small accommodation to get instructions and report before this Court.

6. Post the matter on 07.11.2022.”

3. In continuation and conjunction to the earlier order passed by this Court on 01.11.2022, today, the learned Government Advocate (Crl. Side) filed counter affidavit. In the Counter affidavit, he reiterated the charges made against the petitioner in the charge sheet. In the counter, in the last four lines it is mentioned that further investigation would be conducted and if the contention of the petitioner is found to be true, the petitioner would be transposed from accused and made as witness.

4. This Court, earlier, on the submissions and perusal of the documents found that the petitioner immediately, in the first instance written to the District Collector, Thiruvannamalai about the misdeeds committed, corrections made in the marks and wrong entries made.



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Thereafter, on the petitioner's complaint departmental enquiry conducted.

Now the officer, who committed the said correction, kept under suspension.

It is also seen that the charges against delinquent proved.

5. This Court finds that the petitioner is a whistle-blower, who brought to the notice of the higher officials including the Collector about the corrections, misdeeds committed by the other accused. Now the prosecution submits that further investigation would be conducted on the documents produced by the petitioner and thereafter he would be transposed as witness in this case.

6. Recording the said submissions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

16.11.2022

Index: Yes/No

Internet: Yes/No

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M.NIRMAL KUMAR, J.

rsi

To

- 1.The Chief Judicial Magistrate and Special Judge,
Thiruvannamalai.
- 2.The Public Prosecutor,
High Court, Madras.

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and
Crl.M.P.Nos.16306 & 16307 of 2022

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