



Crl.M.P.No.8224 of 2023
in
Crl.O.P.No.26098 of 2022

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Dr.G.JAYACHANDRAN, J.

This Miscellaneous Petition is filed to grant further period of six months time to complete the investigation and to file the final report as per the direction given by this Court in its order dated 28.10.2022 made in Crl.O.P. No.26098 of 2022.

2. Alleging that the Village Panchayat President has amassed wealth illegally by granting planning approval and building plan approval without authorization, the petition was filed before this Court to register the complaint and to investigate. The DV & AC, thereafter on its own registered a case in Crime No.8/2021/AC/TPR on 16.09.2021. Even after registering the complaint, there was no progress in the investigation and therefore the petitioner Deva approached this Court has filed the contempt petition and thereafter Crl.O.P. No.26098 of 2022 to expedite the investigation and file final report. This Court on considering the nature of the prayer and the allegations made, disposed of the petition with a direction to complete the investigation and to file final report within six months. Though six months expired, the respondent going to complete the investigation and therefore approached this Court for extension of time in Crl.M.P. No.8224 of 2023.



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3. When the matter came up for consideration, learned Government Advocate stated that 71 documents were collected and statements of 8 witnesses been recorded and few more documents are yet to be collected. In view of the above statement, this Court recording the statements made by the learned Government Advocate on 10.07.2023 adjourn the matter with a direction to complete the investigation and report about the complaint and investigation and a specific direction was issued to the Investigating Officer to complete the investigation and file final report on or before 15.09.2023. Accordingly, this matter is listed today for reporting compliance.

4. The learned Government Advocate today furnished draft final report wherein the Investigating Officer after recording the statement of witnesses particularly the land promoters had found that there is no material made out to proceed against the erstwhile president P.Udayakumar and therefore decided to drop action.

5. Mr.N.Ponraj, learned counsel appearing for Deva/defacto complainant who had earlier set the law into motion, on whose petition direction was issued to make preliminary enquiry and further proceeded with detail enquiry submitted that a false investigation has been done taking advantage of subsequent G.O passed by the Government regarding regularisation of unapproved and unauthorised plots, the respondent is trying to cover up the crime committed by the said Udayakumar.



6. This Court on perusing Section 161 Cr.P.C. statements of the land promoters find that invariably they have stated that they have not paid any bribe to the Panchayat President for getting plan approval. Though the petitioner is not the defacto complainant, since preliminary enquiry was at his instance, learned Government Advocate for the respondent is directed to serve closure report to the complainant. If the petitioner has any locus, it is open for him to file protest petition.

7. In view of the above fact, this Miscellaneous Petition is closed.

19.09.2023

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