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CrI.O.P.No.18948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.18948 of 2022 and
CrI.M.P.Nos.12554 and 12555 of 2022

1. A. Sundaravalli
2. B.Jeyalakshmi
3. R.Vadivelu
4. K.Bharathiraja

... Petitioners

Vs.

The State Rep. by
Superintendent of Police
Western Range,
Vigilance and Anti-Corruption
Chennai – 16
(Crime No.6/AC/2018 V& AC, Namakkal)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to call for the records relating to the criminal case in Spl.C.C.No.2 of
2022 pending on the file of the learned Special Judge/Chief Judicial
Magistrate, Namakkal, quash the same.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the criminal case in Spl.C.C.No.2 of 2022 pending on the file of the Special Judge/Chief Judicial Magistrate, Namakkal, and to quash the same.

2. The petitioners are facing trial in Special C.C.No.02 of 2022 on the file of the Special Judge/Chief Judicial Magistrate for the offences under Sections 7, 13(1)(a) and (d) of Prevention of Corruption Act, Sections 120-B and 201 of IPC.

3. Learned counsel for the petitioners would submit that though there are several arguable points available, he reserves them for trial and he prays that a direction may be issued to the trial Court to complete the trial as expeditiously possible and a time frame may also be fixed for completion of trial. He would further submit that the entire case is borne out by documents and that the petitioners have not been suspended from service and they are still continuing their employment in the Revenue Department and therefore, the presence of the petitioners before the trial Court may be dispensed with



when it is not necessary. He would further submit that the petitioners are ready to file necessary affidavit of undertaking that they would co-operate for the speedy disposal of trial.

4. The learned Government Advocate (Criminal Side) submitted that the post of Special Judge/Chief Judicial Magistrate, Namakkal, is vacant and whenever the officer takes charge, the respondent shall be able to complete the trial within a period of 4 months from the date of the Officer taking charge.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

6. This Court is of the opinion that the grounds raised by the learned counsel for the petitioners are factual in nature and it cannot be decided at the outset in a quash petition. The grounds raised are matter for trial and the quash petition has no merits and is liable to be dismissed.



7. However, accepting the submission of the learned counsel for the petitioners, the presence of the petitioners before the Trial Court shall be dispensed with on condition that they shall be present on the date fixed for framing of charges, questioning under Section 313 of Cr.P.C., and at the time of passing judgment and also whenever insisted upon by the Trial Court for the purpose of identification.

8. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing the petitioners will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial Judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.



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9. Accordingly, this Criminal Original Petition is disposed of.

Consequently, connected Miscellaneous Petitions are closed.

20.04.2023

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To

1. The Special Judge/Chief Judicial Magistrate, Namakkal
2. The Superintendent of Police
Western Range,
Vigilance and Anti-Corruption
Chennai – 16
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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