



Crl.O.P.No.28376 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2023

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.28376 of 2022

and

Crl.M.P.No.17421 of 2022

C.Sundaralingam

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
Vigilance and Anti-Corruption,
Thiruvarur.
[Crime No.04 of 2020]

2.G.Senthilkumar

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in Spl.C.C.No.01 of 2022 on the file of the learned Chief Judicial Magistrate, Thiruvarur and quash the same.

For Petitioner : Mr.B.Kumarasamy

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to quash a criminal proceedings initiated under the Prevention of Corruption Act.

2. The learned Government Advocate (Crl.Side) for the 1st respondent states that the examination of witnesses have started. Taking certain response by PW.1 during the cross examination, this quash petition is filed as if the Sanctioning Authority has not applied his mind before according sanction. The Investigating Officer has placed all the records relevant to the case and accorded sanction. Section 19 of P.C.Act, mandates for prior sanction to take cognizance of the offence under the P.C.Act. At the same time, Section 19(3) of P.C.Act, clearly indicates that any error or omission or irregularity in, the grant of sanction do not vitiate the trial unless in the opinion of that Court, such omission or error or irregularity, a failure of justice.

3. In this case, as pointed out by the learned Government Advocate (Crl.Side) only PW.1 has been examined. The defacto



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complainant, decoy witness and other witnesses will be examined. At this stage, it is premature to decide upon the alleged irregularity or omission in the sanction order.

4. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed. The petitioner is at liberty to raise all the points regarding the sanction during the arguments before the trial Court.

21.07.2023

rpl
Index: Yes/No
Speaking Order/Non Speaking Order

To

1.The Chief Judicial Magistrate, Thiruvarur.

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Thiruvarur.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

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