



Crl.M.P.No.17782 of 2023
in Crl.O.P.No.15953 of 2023

A.D.JAGADISH CHANDIRA, J.

WEB COPY

This petition has been filed seeking to grant further period of six months to complete the investigation and to file the final report as per the directions given by this Court in Crl.O.P.No.15953 of 2023 dated 19.07.2023.

2. In support of the above prayer, Mrs.C.Umadevi, The Inspector of Police, City Special Unit-III, Vigilance and Anti Corruption, Chennai, has filed the affidavit before this Court. The relevant portion of the affidavit is extracted hereunder :-

"2. I state that I am the petitioner herein and the present Investigating Officer in the above case. I am the 2nd respondent in main Crl.O.P.No.15953 of 2023 and as such I am well acquainted with the facts and circumstances of this ca case, being the investigating officer of this case, I am duly competent and authorized to file this Affidavit before this Hon'ble Court.

3. I respectfully submit that based on information that the respondent/accused herein Tmt.A.Dhanalakshmi Special Public Prosecutor Mahila court. Thiruvallur had demanded Rs.50,000/- for conducting the trial in the



WEB COPY



prosecution case filed by Ambattur All women Police Station in Cr.No.5/2012 U/s 376,417 IPC and section 4 of Women Harassment Act and accepted Rs.5,000/- twice- from the petitioner/ Complainant Tmt.Selvi W/o Raju (late) on two various dates i.e., on 18.04.2016 and 09.05.2016 respectively. Again on 02.01.2017 she called the complainant and her daughter and reiterated the demand of Rs.50,000/- to conduct an argument in that case. Then the complainant appointed an advocate for assisting the prosecution and when the complainant's advocate filed vakalath for assisting the prosecution, Tmt.A.Dhanalakshmi scolded the complainant for appointing advocate Tr.Duraikannan on their behalf and threatened them that the accused would be acquitted if the bribe amount was not paid. Hence the petitioner gave the complainant at DAVC and on her complaint PE50/2017/PROSE/CSU-I was registered on 08.09.2021. On the outcome of the Preliminary Enquiry and after getting permission from the Vigilance Commissioner on 11.10.2021 a case was registered in V& AC in Cr.No. 8/AC/2021/CC-Iu/s 7 and 13(2) r/w 13(1)(d) of PC Act 1988 on 11.10.2021 and taken-up for investigation.

4. It is respectively submitted that the case in above said Cr.No.8/AC/2021/CC-I was transferred to CSU-III for further investigation on 12.10.2021 and perused the FIR and PE documents.



WEB COPY



5. *I respectfully submit that the Respondent/Accused herein filed in Crl.O.P.No..15953 of 2023 before this Hon'ble High Court of Madras, with a prayer for the direction to conduct a speedy investigation in Crime No.08 of 2021, on the file of the respondent Police and requested to direct the respondent police to complete the investigation.*

6. *I respectfully submitted that this Hon'ble High court of Madras by its order dated 05/09/2023 in Crl.OP.No.15953 of 2023 directed the respondent police to complete the investigation within 15.09.2023 on 19.07.2023 Consequently, connected miscellaneous petition stands closed.*

7. *It is respectfully submitted that the investigation of this case has been pursued uncompromisingly from the date of registration to completion within the stipulated time. So far, I have examined 15 Witnesses. This case is purely on the oral evidence of the complainants for cases filed in the fast-track Mahila Court, Thiruvallur.*

8. *Moreover, in this case I obtained the document regarding the complaint and stage of the cases from the Mahalir Neethimandram (Fast Track Mahila Court) Thiruvallur District on 08.09.2023 in which collected the case handled by the accused Tmt.A.Dhanalakshmi Special Public Prosecutor, (Fast track Mahila Court) Thiruvallur. While perusing the document it came to light that 623 cases handled by the Special Public Prosecutor Tmt.A.*



WEB COPY



Dhanalakshmi. In which 446 cases were disposed during the tenure between 2016 and 2019.

9. Since these cases are mostly connected to Girl Child and Women, it attracts IPC, POCSO Act, and Women Harassment Act(grave crimes like rape and murder). It is hard to identify the complainant and enquire about them in connection with the above-said allegation. Most of the complainants in the above-mentioned cases handled by Mahila Court did not reside in the same address. It is hard to identify the Whereabouts of the complainant and the victim Girl/Woman or investigating this case.

10. It is respectfully submitted that out of 446 cases disposed of the trial court handled by the respondent/accused TmtA.Dhanalakshmi only 10 cases ended in conviction. Most of the cases are POCSO (Protection of Child from Sexual Offences) Act cases and very few of the above ended Conviction. Hence the reason for the same has to be identified by enquiring the witnesses.

11. It is respectfully submitted that the jurisdiction of the Thiruvallur Mahila Court is vast Taluk in Thiruvallur District are Ambattur, Madavaram, Thiruvottiyur, Ponneri, Gumidipoondi, kottai, Thiruthani, Pallipattu, extension to collect evidence in the above-mentioned case. It is respectfully submitted that the document from the Mahila court was received on 08.09.2023 only.

12. I respectfully submit that in Crl.O.P.15953 of 2023 considering the importance of witnesses and



documents involved, this Hon'ble Court may be pleased to grant a further period of 6 months the investigation."

WEB COPY

3. Learned Government Advocate (Crl.Side) submitted that this Court, on the petition filed by the respondent herein in Crl.O.P.No.15953 of 2023, by an order dated 19.07.2023 has directed the petitioners herein to complete the investigation and file the final report on or before 15.09.2023. He further submitted that on account of certain administrative reasons, the order of this Court could not be complied within the specified period. Therefore, the Officer seeks pardon from this Court for the delay. He also submitted that it is the case where the allegation against the accused is that she being the Special Public Prosecutor had colluded with the accused and demanded bribe from the victims for conducting the prosecution case. Based on the compliant given by one Selvi, mother of the victim in Crime No.5 of 2012, the case came to be registered in Cr.No.8/AC/2021/CC-I for the offence under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. He further submitted that in this case, during the course of enquiry, it came to light that there are more than 600 witnesses who have to be examined. The accused had appeared on behalf of prosecution in 446 cases during the period between 2016 and 2019 and the second petitioner/Investigating Officer finds it difficult to trace the victim



who are mostly children and women. Thereby, he seek that if further period of six months is given to the second petitioner, she will be able to complete the investigation and file the final report. He further submitted that the difficulty caused to the Court is on account of non furnishing of details before the earlier Hon'ble Judge, thereby, he seeks time. He reiterated that the second petitioner herein seek apology for not complying with the order passed by this Court within the specified time and the second petitioner/Investigating Officer undertakes that the final report will be filed within a period of six months after examining all the witnesses.

4. Recording the above submissions, this Court feels it appropriate to extend the time by six months and accordingly, the time granted by this Court in CrI.O.P.No.15953 of 2023 dated 19.07.2023 to complete the investigation and to file the final report is extended by six months from today.

09.11.2023

ham



WEB COPY



A.D.JAGADISH CHANDIRA, J.

ham

**Crl.M.P.No.17782 of 2023
in Crl.O.P.No.15953 of 2023**

09.11.2023