



Crl.O.P.(MD)No.5821 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.5821 of 2023

S.Thennarasu

: Petitioner/Accused

Vs.

The State rep.by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Pudukottai District.

: Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Chief Judicial Magistrate, Pudukottai District to record fresh evidence of P.W.1 namely, the sanctioning authority in Special C.C.No.3 of 2022 pending on his file in the light of the order passed by this Court in Crl.O.P(MD)No.22734 of 2022, dated 09.01.2023 by disregarding the earlier evidence of P.W.1.

For Petitioner : Mr.R.Anand,

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



Crl.O.P.(MD)No.5821 of 2023

ORDER

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2. The petitioner has earlier filed a petition in Crl.O.P.(MD)No.22734 of 2022, seeking orders to call for the entire records pertaining to the case in Special C.C.No.3 of 2022 on the file of the learned Chief Judicial Magistrate, Pudukottai and quash the same as against the petitioner. The learned Judge of this Court by observing that the quashment of the entire proceedings is not permissible in law and directed P.W.1 to issue fresh sanction order by taking into account all the relevant materials and with the above direction, the Criminal Original Petition was ordered to be dismissed vide order dated 09.01.2023. In pursuance of the said directions, the sanctioning authority i.e., P.W.1 has already issued a fresh sanction order, dated 06.03.2023 and the same came to be filed before the concerned Court.



Crl.O.P.(MD)No.5821 of 2023

3. The learned counsel for the petitioner would submit that the sanctioning authority has been examined P.W.1 and he deposed that reply to the sanction granted by him earlier was termed as improper sanction order.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the fresh sanction order has already been issued, the question of retaining the evidence already given with respect to the earlier sanction order, does not arise.

5. Considering the above facts and circumstances and taking note of the fact that the fresh sanction order, dated 06.03.2023 was already issued, this Court is of the view that the evidence of P.W.1 already given on 08.12.2022 is to be eschewed from the records and P.W.1 is ordered to be summoned afresh and examined him afresh.

6. In the result, the Criminal Original Petition is allowed.

21.04.2023

NCC : Yes/ No
Index : Yes/No
Internet : Yes/ No
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Crl.O.P.(MD)No.5821 of 2023

K.MURALI SHANKAR,J.

das

To

- 1.The Chief Judicial Magistrate,
Pudukottai District.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.5821 of 2023

Dated: 21.04.2023