



W.P(MD)No.14496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.14496 of 2023

Robinson

... Petitioner

Vs

1. The District Collector/ Inspector of Panchayat,
Thoothukudi District, Thoothukudi.
2. The Block Development Officer,
Santhankulam, Thoothukudi District.
3. Thirukalyani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take appropriate action on the third respondent, who is facing criminal case for misappropriation in Panchayat under 203 or under own motion under 205 of Tamil Nadu Panchayat Act, 1994.



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For Petitioner : Mr.T Augustine Ebenezer
For R1 : Mr.J.Ashok
Additional Government Pleader
For R2 : Mr.B.Saravana
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of mandamus, seeking a direction against the first respondent to take appropriate action against the third respondent, who, according to the petitioner is facing allegation of misappropriation of funds of the Panchayat. The petitioner place reliance on Sections 203, 205 of Tamil Nadu Panchayat Act, 1994.

2.It is stated that the third respondent is an accused in Crime No. 82 of 2021, registered under Sections 409, 420 of IPC by the Thattarmadam Police Station on 12.05.2021.

3.It is trite law to point out that merely indicating the name in a FIR does not indicate that the said person is a convicted accused. The FIR is registered on information. Thereafter, investigation will have to be conducted on the nature of allegation in the report and on satisfaction, a final report



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would have to be filed before the jurisdictional Magistrate. The concerned Magistrate will have to take cognizance of the same. Thereafter, the Magistrate will have to take a decision either to frame charges or to discharge the accused. Only thereafter shall trial proceedings commence. The presumption of innocence runs till conviction.

4.At this stage no direction is given, since only FIR is pending against the third respondent. Accordingly, this writ petition stands dismissed. No costs.

20.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

1. The District Collector/ Inspector of Panchayat,
Thoothukudi District, Thoothukudi.
2. The Block Development Officer,
Santhankulam, Thoothukudi District.



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C.V.KARTHIKEYAN, J.

PNM

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