



W.P.(MD).No.28867 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28867 of 2024

and

W.M.P.(MD).No.24451 of 2024

V.Sivaraja

... Petitioner

VS

1.The Inspector of Police,
Vigilance and Anti-Corruption,
Dindigul District.

2. A.Velmurugan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned order dated 14.11.2024 in TDP.No.12/2023 passed by the Commissioner for Disciplinary Proceedings, Madurai and quash the same and consequently direct the Commissioner for Disciplinary Proceedings, Madurai to summon L.W.2, L.W.3, L.W.7 and L.W.10 as witnesses for examination in the interest of justice.

For Petitioner

: Mr.J.Vishnu

For Respondent No.1

: Mr.D.Sasikumar

Additional Government Pleader



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ORDER

The instant writ petition has been filed by a delinquent officer who is facing departmental proceedings before the Government of TamilNadu Tribunal for Disciplinary Proceedings, Madurai, challenging the order passed by them, wherein the request of the petitioner to issue directions to summon certain official and private witnesses on the side of prosecution has been rejected.

2. A perusal of the impugned order dated 14.11.2024 passed by the Tribunal for Disciplinary Proceedings, Madurai reveals that though the prosecution has cited eleven witnesses, the learned Public Prosecutor for the disciplinary proceedings had dispensed with the witnesses L.W.2, L.W.3, L.W.7 and L.W.10. In such circumstances, the petitioner has filed an application to compel the prosecution to examine those witnesses who have been dispensed with by the prosecution. The said application has been dismissed on the ground that the Tribunal cannot compel the prosecution to examine the witnesses who have been dispensed with by the prosecutor.



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3. It is the contention of the learned Counsel appearing for the writ petitioner unless those witnesses are examined, he would be put more prejudice. However, this Court is of the considered opinion that the prosecution cannot be compelled to produce certain witnesses.

4. Considering the above said facts, it is open to the petitioner to call anyone as a witnesses on their side to prove his case, if he is so advised.

5. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn

Note :
Issue order copy on 03.12.2024



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R.VIJAYAKUMAR,J.

gvn

To

The Inspector of Police,
Vigilance and Anti-Corruption,
Dindigul District.

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