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Crl.O.P.No.3928 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.3928 of 2025

and

Crl.M.P.No.2533 of 2025

Saravanakumar

... Petitioner/Accused

Versus

State Rep by
The Deputy Superintendent of Police,
Chennai City-V,
Vigilance and Anti-Corruption,
Chennai – 600 018.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records and set aside the order dated 28.01.2025 in Crl.M.P.No.430 of 2024 in C.C.No.7 of 2023 on the file of the Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai by allowing the above petition.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner/accused, who is facing trial in C.C.No.7 of 2023 had filed a petition in Crl.M.P.No.430 of 2024 under Section 91 of Cr.P.C. seeking to summon the report of the Directorate of Vigilance and Anti-Corruption, Chennai in RC.221/2021/CT/CC-V, dated 30.08.2022.

2.The contention of the petitioner is that in this case, the sanctioning authority was examined as PW1, who is the Secretary to the Government, the sanction order marked as Ex.P1. During cross examination, PW1/the sanctioning authority admitted she received a report of the Directorate of Vigilance and Anti-Corruption, Chennai in RC.221/2021/CT/CC-V, dated 30.08.2022 and the letter from the Vigilance Commissioner dated 22.09.2022. She further admits that the report is available in the file and it is with her. She admits in her evidence that the report is verbatim the same as of the sanction order/Ex.P1. To prove the said fact, the petitioner has now filed a petition under Section 91 of Cr.P.C. to produce the draft sanction order and report of the Vigilance and Anti Corruption. The trial Court not considering the availability of the same, dismissed the petition stating that the petitioner has



not stated any reason to summon the documents at this stage and further recorded that the objection of the Special Public Prosecutor that the petition has been filed only to drag on the proceedings is an acceptable one, which is not proper. The petitioner to prove the fact of non application of mind in issuance of sanction order, requires the production of the Directorate of Vigilance and Anti-Corruption report.

3.The learned Government Advocate (Crl. Side) submit that it is not a draft sanction order, it is an official communication made in confidence cannot be disclosed, the outcome of official communication is the sanction order, which has been marked as Ex.P1. The witness/PW1 has been cross examined in detail. The present petition is only to protract the trial. Hence, strongly opposed.

4.On the submissions and perusal of the evidence and materials it is seen, PW1 admits the Directorate of Vigilance and Anti-Corruption report in RC.221/2021/CT/CC-V, dated 30.08.2022 in sanction order/Ex.P1 and the report is available in the file and she has brought the report during her evidence. The report is available. The trial Court in the impugned order records there is no bar to summon the petition mentioned documents, i.e., the



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report. The only reason given is that petition filed before the trial Court is without reason and to drag on the proceedings may not be proper. The case is only at the initial stage, PW1 alone examined and case is posted for examining the other witnesses on 27.02.2025. In view of the above, this Court finds the report sought for by the petitioner can be produced.

5. Accordingly, the impugned order passed in Crl.M.P.No.430 of 2024 in C.C.No.7 of 2023 dated 28.01.2025 by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai is set aside and the petition mentioned documents can be summoned.

6. With the above observations and direction, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

17.02.2025

Index : Yes/No
Neutral citation: Yes/No
Speaking order/Non-speaking order
rsi

To



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- 1.The Deputy Superintendent of Police,
Chennai City-V,
Vigilance and Anti-Corruption,
Chennai – 600 018.
- 2.The Special Judge,
Special Court for the cases under Prevention
of Corruption Act, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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