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CRL R.C No. 1611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL RC No. 1611 of 2024

AND

CRL MP NO. 13353 OF 2024

ELAKYA

W/o. Prakasam, No. 664, Kamarajar
Nagar, Uthangarai, Krishnagiri District
Formally Working As An Assistant
Engineer Panchayath Union Office,
Uthangarai, Krishnagiri District.

... Petitioner

Vs

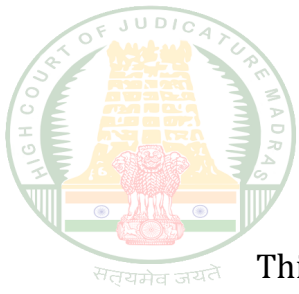
The Inspector Of Police,
V And Ac, Krishnagiri, Krishnagiri
District (Cr.No. 6/2017)

... Respondent

Prayer : Criminal Revision Case under Section 438 read with Section 442 of BNSS 2023 against the order dated 16.04.2024 passed in CrI.M.P.No.1199 of 2024 in Spl.C.C.No.3 of 2022 on the file of Chief Judicial Magistrate, Krishnagiri.

For Petitioner :	Mr.T.Ganesan
For Respondent :	Mr.S.Udaya Kumar
	Govt.Advocate(crl.Side)

ORDER



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WEB COPY This revision is directed against the order of the learned Chief Judicial Magistrate, Krishnagiri made in Crl.M.P.No.1199 of 2024 in Spl.C.C.No.3 of 2022.

By the said order, the application filed by the petitioner / Accused No.1 viz., Elakya who was working as Assistant Engineer in the Panchayat Union to discharge her from the case was rejected by the Trial Court.

2. Learned counsel for the petitioner would submit that the entire allegation of the prosecution is with reference to misuse of funds under the Indira Aawas Yojana. Under the said Scheme, the socially and economically backward beneficiaries are identified and financial assistance is provided by the Government for them to build the house. The duty of the Government officers is to ensure that the beneficiaries use the same. The role played by the Assistant Engineer is only to cross verify the measurements and ensure that the house is being built. During the relevant period, admittedly the petitioner was on maternity leave and she joined duty only when the second and third stage of the construction was under progress. The petitioner is said to have visited the construction and cross verified the measurement. In this case, the allegation is that the beneficiaries, for instance one Manga, instead of building the house for herself, clandestinely enabled her brother's son to build the house even though he was not the actual beneficiary. When the petitioner went to cross verify the measurement, the said Manga had shown the house of her brother's son as if it is



her own, based on which, her application had been zeroed in and all the particulars have been accepted and the funds were also sanctioned. The stage in which the role of the petitioner comes to play is the cross verification of measurements. Learned counsel for the petitioner submits that the petitioner dutifully cross verified the measurements and accordingly certified for the second or third final instalments of the bills and therefore, absolutely there is no evidence of *quid pro quo* or any other dishonest intention on the part of the petitioner. He submits that, when the petitioner has performed her duty as Assistant Engineer and even as per the case of the prosecution, the construction is there and only for the mismatching of the survey number, the petitioner is arrayed as accused and therefore the Trial Court ought to have discharged the petitioner.

3. Per contra, learned Government Advocate (Criminal Side) would submit that the duty of the Assistant Engineer is to cross verify the contents created by the Overseer in the field. Even if the Overseer has certified, for example the beneficiary Manga had constructed in Survey No.44 a house of a particular dimension, the Assistant Engineer ought to have verified the survey number, dimension of the house and the photograph of the beneficiary. When the house is constructed in some other survey number for some other beneficiary, it cannot be contended that all is well in the report that is signed by the petitioner herein.



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4. I have considered the submissions made by the learned counsel for both sides and perused the materials placed before this Court.

5. On the basis of the materials the contention of the learned counsel for the petitioner that the petitioner after coming from the Maternity Leave was made to believe by the other accused that the place which the petitioner visited and cross checked the measurement was the survey number that belonged to Manga, cannot be concluded and it requires such evidence from the defence also. Therefore, at this stage I am unable to countenance the submission of the learned counsel for the petitioner that there is absolutely no material at all. The case that is projected by the petitioner is something which has to come out in the trial and accordingly, giving liberty to the petitioner to raise all her contentions during the trial, I am of the view that the petitioner cannot be discharged at this stage and therefore the order of the trial Court cannot be found fault with. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

6. Considering the nature of the case that is said to have arisen in the year 2013, the Trial Court shall do well to expedite the trial and complete the trial within one year from the date of receipt of a copy of this order. It is made clear



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that all hearing dates shall be at such close intervals so as to make possible completion of the trial within a period of one year. Considering the overall facts and circumstances of the case and the request made by the learned counsel for the petitioner, for the hearings except necessary hearings such as framing of charges etc., and such other hearings that may be insisted by the trial Court, the presence of the petitioner for other hearing before the trial Court shall stand dispensed with.

01-07-2025

KST

Neutral Citation:Yes/No

To

- 1.The Chief Judicial Magistrate,
Krishnagiri.
- 2.The Inspector Of Police,V And Ac,
Krishnagiri, Krishnagiri District
(Crime.No. 6/2017)
- 3.The Public Prosecutor
High Court, Madras



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D.BHARATHA CHAKRAVARTHY J.

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