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CRL OP NO. 1041 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23-01-2025**

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL OP NO. 1041 of 2025

and M.P.No.552 of 2025

S.Ganesan

S/o. Mr. Subramani, Conservancy Inspector ,
Placed Under Suspension, Division 28 Unit 5,
Zone Ii, Chennai Corporation, Residing At No. 96,
1st Street, Thiruvalluvar Nagar,
Kodungaiyur, Chennai 118

Petitioner

Vs

State Rep By , Inspector Of Police
Dvac. Chennai

Respondent(s)

For Petitioner(s):

S.Xavier Felix

For Respondent(s):

Mr.A.Gopinath, Government Advocate (Crl.Side)

ORDER

This criminal original petition is filed to call for the entire records pertaining dismissal of the common order in Cr.M.P.No.282 of 2024 in C.C.No.137 of 2011, dated 03.12.2024 on the file of the Special Court for Prevention of Corruption Act, cases and set aside the same.



CRL OP NO. 1041 of 2025

Facts of the case in nutshell as per the petition:-

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2. The learned counsel for the petitioner submits that petitioner is facing trial in C.C.No.137 of 2011 on the file of the Special Court for Prevention of Corruption Act, Cases, Chennai for the charges under Section 7, 13(2) r/w 13(1)(d) and Prevention of Corruption Act, 1988 and presently the trial is in defence side evidence. It is alleged that the petitioner had demanded bribe from the *de facto* complainant and this had prompted the *de facto* complainant to lodge a complaint before the respondent. The petitioner was trapped and is currently facing criminal proceedings. The complainant due to previous enmity had lodged false complaint against the petitioner and the same was already intimated in writing to the Assistant Commissioner of Vigilance and Anti Corruption along with supporting documents. Though, many petitions were filed raising these grounds, Crl.M.P.Nos.282 and 283 of 2024 was dismissed by the Special Court *vide* order dated 03.12.2024. Aggrieved by the same, the petitioner filed this criminal original petition.

3. Mr.Shiek M.Muzzammil, learned counsel for the petitioner submits that the trial Court has already concluded the trial and convicted the petitioner *vide* order dated 20.01.2025. The appropriate observation of



CRL OP NO. 1041 of 2025

the judgement is reproduced here as under:

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“42.....

*In result, accused is found guilty of commission of offence u/s7 and 13 (2) r/w 13(1)(d) of Prevention of Corruption Act 1988. The accused is sentenced to undergo **four years** rigorous imprisonment and shall pay a fine of **Rs.50,000/-** in default to undergo **three months** simple imprisonment under Section 7 of the Prevention of Corruption Act, 1988. The accused is sentenced to undergo **five years** rigorous imprisonment and shall pay a fine of Rs.50,000/- in default to undergo **6 months** simple imprisonment under Section 13 (2) r/w 13(1)(d) of the P.C.Act 1988, the sentence of imprisonment imposed for each offence shall run concurrently. The period of sentence already undergone by the accused if any is ordered to be set off under Section 428 Cr.P.C. Total fine amount of Rs.1,00,000/-” .*

4. The learned counsel for the petitioner further submitted that there is no useful purpose to proceed the present case any further for the relief as sought for and also submitted that the present petition may be dismissed.

5. Mr.A.Gopinath, learned Government Advocate (Crl.Side), ascertained to this Court that the trial Court has already passed the above said order on 20.01.2025 and convicted and sentenced the petitioner. Thus



CRL OP NO. 1041 of 2025

no useful purpose will be served in continuing the proceeding further in this case any more and hence, prayed for dismissal of this present petition.

6. Heard both sides and perused the materials available on record.

7. After considering the arguments made by both the parties, it is clear that the trial Court has convicted and sentenced the accused/petitioner *vide* judgement and order dated 20.01.2025. Therefore, no useful purpose will be served in proceeding this case any more. Accordingly, this Criminal Original Petition is dismissed. Connected criminal miscellaneous petition is closed. No order as to costs.

23-01-2025

vca

To
1. State Rep By , Inspector Of Police
Dvac. Chennai

SHAMIM AHMED,J.
Vca



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