



CrI.O.P(MD)No.3765 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.3765 of 2025

Vigi alias T.Viji

... Petitioner

versus

The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli District.

... Respondent

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, seeking a direction to the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, to dispose the case pending before the same in Spl.C.C.No.1 of 2020 in Crime No.5 of 2019 on the file of the respondent Police dated 12.03.2019 within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner, while working as a Special Deputy Tahsildar, is said to have demanded a sum of Rs.5,000/- from the defacto complainant for permitting him to conduct quarry operation and also received the said amount on 12.03.2019, for which, she was arrested by the respondent Police and a case was registered in Cr.No.5 of 2019 on the file of the Vigilance and Anti-Corruption Wing, Tirunelveli, under Section 7 of Prevention of Corruption Act. The respondent Police have also conducted an investigation and filed the final report as against the petitioner before the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli and the same was taken on file in Spl.C.C.No.1 of 2020. Now, the petitioner has approached this Court with a grievance that though the case was taken on file in the year 2020, the same is still pending without any progress and therefore, she sought for a direction to the trial Court to conclude the trial within a stipulated time.



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2. This Court, in order to ascertain the workload of the trial Court, has

directed the learned Additional Public Prosecutor to file a report as to the number of cases pending before the Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli. The data is furnished as under:

Year	No. of cases	Partly heard/not heard	Stage of trial
2014	10	Partly heard	4 cases at the stage of IO Examination
2015	5	Partly heard	1 case at the stage of IO Examination
2016	2	Partly heard	
2017	1	Partly heard	
2018	3	Partly heard	
2019	4	Partly heard	3 cases - charges yet to be framed
2020	2	Partly heard	
2021	7	Partly heard	2 cases – charges yet to be framed
2022	7	Not heard	
2023	5	Not heard	
2024	8	Not heard	
2025	2	Not heard	
Total	56		



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3. The learned Additional Public Prosecutor submits that the case in Spl.C.C.No.1 of 2020 is posted on 18.03.2025 for examination of L.W.1 to L.W.3.

4. The learned counsel for the petitioner has also relied on the earlier order of this Court passed in W.P.(MD)No.2007 of 2022 dated 02.02.2022.

5. The learned Additional Public Prosecutor further submits that pursuant to the earlier order of this Court, they have examined L.W.6-Shankar, as P.W.1 and the case is now posted on 18.03.2025 for examination of L.W.1 to L.W.3.

6. This Court considered the rival submissions made.

7. The petitioner, who was working as a Special Deputy Tahsildar, was placed under suspension in view of the criminal case registered against him. This Court, in the earlier round of litigation in W.P.(MD)No.2007 of 2022, has taken cognizance of the issue and passed an order as under:

“6. The petitioner is now facing departmental proceedings. The Vigilance and Anti Corruption,



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Tirunelveli, on the same set of facts, registered a case and also filed a final report against the petitioner in Spl.C.C.No.1 of 2020 and the same is pending trial before the learned Special Judge for Prevention and Corruption Cases, Tirunelveli. The witness Nos.1 to 7 cited in the charge memo are also the witness Nos.2, 3, 4, 13, 9, 7, 8 respectively in Spl.C.C.No.1 of 2020. Therefore, the petitioner apprehends that if he takes a defence during the departmental proceedings, then, it would affect his defence of acquittal during the trial.

7. The petitioner is facing serious charge and the fact remains that though the final report was filed in the year 2020, the trial Court has not proceeded with trial so far.

8. Therefore, this Court directs the trial Court to expedite the trial and examine the witnesses upto L.W.9, within a period of six months from the date of receipt of a copy of this order. Till the examination of L.W.9, the departmental proceedings shall be deferred. Since the departmental proceedings is deferred for want of examination of witnesses upto L.W.9, the trial Court, without any delay, shall proceed with the trial and complete the examination of witnesses upto L.W.9 within the period as directed by this Court. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.”



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8. It appears that pursuant to the earlier order of this Court dated 02.02.2022, the prosecution has examined L.W.6 as P.W.1 and they are also intending to produce the witnesses, namely, L.W.1 to L.W.3 on the next date of hearing, i.e. on 18.03.2025.

9. The trial Court has to give some importance to the cases, which are registered under the Prevention of Corruption Act. A stigma has been cast upon the officers and that can be cleared only by examining the witnesses by conducting trial.

10. No doubt, the learned Chief Judicial Magistrates, who are conducting trial of Cases under the Prevention of Corruption Act, are flooded with other cases. However, priority has to be given to those cases registered under Prevention of Corruption Act. It is not mere whims and fancy of the prosecution to examine L.W.6 as P.W.1 for namesake as if they are proceeded with the trial.



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11. Since this Court has already issued a direction to the trial Court in

W.P.(MD)No.2007 of 2022, this Criminal Original Petition is disposed of.

The trial Court, namely, the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, is directed to conclude the trial in Spl.C.C.No.1 of 2020 as expeditiously as possible, without any further delay.

10.03.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Special Court for Trial of Cases
under Prevention of Corruption Act,
Tirunelveli.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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