IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.02.2026

PRONOUNCED ON : 09.06.2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 34433 of 2025
and
Crl.M.P.No.24130 of 2025

1. P.Somakumaran
S/o.N.Padmanabhan,
Worked as Assistant Executive Engineer
at TWAD Board,
Residing at, Site No.36, Thasami Park
Residency, Singanallur, Chennai-641 005.
and 7 Others

2. A.Bharani Kumar
S/o.U.M.Arumugam,
Working as Junior Drafting Officer,
at TWAD Board, Residing at, H-13,
Dr.Ambedkar Nagar, Marianoor Post,
Salem, Salem district.

3. N.Krishnan
S/o.Narasimman,
Worked as Assistant at TWAD Board,
Residing at, No.3/33, Annai Nagar,
E.B.Colony, Edayar Palayam,
Kuniamuthur, Coimbatore-8,
Coimbatore District.

4. N.Murali
S/o.Narayanasamy,
8/19, Muthu Nagar, Poonamallee,
Chennai-600 056.

5. R.Kannan
S/o.G.Ranakrishnamurthy,
No.11/2, Chinnamuthu 1st Street,

Edayankatu Valsu, Erode-11.

6. R.S.Moorthy,
S/o.G.Ranakrishnamurthy,
No.16/1, Nallappa Street,
Near Surampatti Road, Erode-688 001.

7. K.Krishnan Kutty @ Kutty @ Ilamaran
S/o.Kuppusamy,
No.49, 3rd Street, VGN Mahalakshmi
Nagar, Thiruverkadu, Chennai - 600 077.

8. Mani @ Nedumaran
S/o.A.Kuppusamy,
No.70, Balasubramani Street,
Thirunagar Colony, Erode, Erode District.

Petitioners/A4, A14, A16,
A20, A23, A24, A25 & A28

Vs

State by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai.
(Crime No.2/AC/1988)

Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records relating to the case in C.C.No.55 of 2011 on the file of Special Court for cases under the Prevention of Corruption Act, Chennai and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.R.Rajarathinam, Senior Counsel
for M/s.V.R.Appaswamee

For Respondent(s): Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioners, who are A4, A14, A16, A20, A23, A24, A25 and A28 in C.C.No.55 of 2011 facing trial for offence under Sections 120-B r/w 167, 409, 420, 465, 467, 471 r/w 467 and 465, 218 and 161 of I.P.C. and Section 5(2) r/w 5(1)(c) & (d) of the Prevention of Corruption Act and Section 109 of I.P.C. had filed this quash petition.

2. The case of the prosecution is that by G.O. Ms. No. 1746 R.D & L.A. Department dated 25.11.1983 the Government of Tamil Nadu accorded Adhoc administration approval for 19 water supply Schemes for execution during 1983-84. The Udhagamandalam Water Supply Improvement Scheme was one of the projects included under the said G.O. The above scheme was technically approved by Government for Rs.457.44 lakhs. For the execution of the above scheme, a Hill Area Development Project Division (HADP Division) with supporting staff with head quarters at Udhagamandalam formed. A1-Ranganathan, who worked as Executive Engineer, HADP Division Udhagamandalam from 01.06 1985 to 26.06.1987, without powers, had split up the entire Distribution system into 231 sub reaches, called for tenders for the works for laying and jointing of HDPE pipes including HDPE flanges and pipe ends which were not necessary. Further, entered into 231 agreements with seven bogus Firms knowing that they were non-existent and made payments to them for a total sum of Rs 1,02,27,494/-.

3.The further case of the prosecution is that the above Firms or their representatives not registered as contractors in HADP Division or any other Division. The measurements recorded in the relevant M-Books and the certificates issued by the section officers found to be false. The Government appointed one Executive Engineer Mr.M.Ayyavoo to enquire into the matter, who found the above irregularities and supply of substandard and unwanted materials in execution of the work for the period between 1986 and 1987. Based on his report, an FIR in Crime No.2/AC/1988 registered on 14.10.1988 by the Respondent Police and after investigation, charge sheet filed on 23.09.1994 arraying 29 Accused persons. Out of which, one K.Elango made as approver.

4.The learned Senior Counsel for petitioners submitted that the specific allegation against the petitioners is that the first petitioner/A4 was working as Assistant Executive Engineer, RWS Division in Udhagamandalam. The second Petitioner/A14 was working as Junior Draughting officer in HADP Division, Udhagamandalam. The third petitioner/A16 working as Assistant in HADP Division in Udhagamandalam, during the relevant period. The other petitioners, namely, petitioners 4 to 8, who are Accused Nos.20, 23, 24, 25 & 28, are sales representatives of the firms, who supplied materials. The charge against them is that they abetted the co-accused, who were working in the 'Tamil Nadu Water Supply and Drainage Board' (hereinafter 'TWAD Board'), in framing of false official records, like measurements/check measurements in the said M.Books and thereby these private persons committed the offence punishable under Section 167 of I.P.C. r/w Section 109 of I.P.C.

5.The learned Senior Counsel further submitted that in this case FIR registered in the year 1988 for the alleged offences said to be have taken place during 1986-1987. Originally the names of the petitioners not found in the FIR registered on 14.10.1988. Subsequently, after a lapse of 4 years from the date of FIR, the respondent police filed a petition to include some of the officials of TWAD Board along with some proprietors and sales representatives of Firms, who supplied materials, as additional accused in this case. The respondent police included the petitioners as additional accused in this case. These persons were included only on the statement of the approver and no enquiry or investigation conducted to confirm the approver statement. The approver, K.Elango on whose statement the entire case against the petitioners hinges on, passed away even before could be examined as witness by the trial Court. Hence, the connection between the petitioners and the case gets snapped. Since the approver died even before he could be examined, his statement has no significance and is of no consequence.

6. The learned Senior Counsel further submitted that the co-accused in this case, namely, TWAD Board officials filed quash petitions before this Court

in Crl.O.P Nos.13062 & 25179 of 2015 and this Court quashed the case as against A1, A7, A10, A11 & A12 and A3, A8, A13, A15 & A18. The first petitioner/A4 filed a petition in Crl.O.P.No.20682 of 2016 seeking to quash the case against him, on the ground of inordinate delay, but it was dismissed by this Court on 17.11.2016, on appeal, the Hon'ble Apex Court not entertained the first petitioner's appeal. He further submitted that in this case the petitioners 2 & 3 filed quash petition in Crl.O.P.No.19924 of 2017 before this Court and the same was dismissed by order dated 21.09.2017. Likewise, the petitioners 4 to 8 filed quash petition in Crl.O.P.No.19935 of 2017 before this Court and this Court dismissed the petition on 21.09.2017. No Appeal filed by the petitioners 2 to 8 herein. Simultaneouly, the State filed an appeal before the Hon'ble Apex Court against quashing of cases for some of the accused in Special Leave Petition Nos.15149 and 15156 of 2019, the Apex Court dismissed the petition on 18.12.2019. Further the petitioners 1 to 3, namely, A4, A14 and A16 filed a petition in Crl.O.P.No.2347 of 2025 seeking a direction to the trial Court to dispose of the case within a stipulated period and this Court by order dated 12.02.2025 directed the trial Court to complete the trial within a period of six months. It is more than a year from then, still the case is without much progress. The change of circumstances is that the Hon'ble Apex Court approved the quashing of the case against 10 accused in Crl.O.P.Nos.13062 and 25179 of 2015 and this Court had given a specific direction in Crl.O.P.No.2347 of 2025 to conclude the trial. Hence, filed the present petition. He further submitted that in this case there were totally 28 accused, out of them, the case against ten accused quashed. Eight of the accused passed away during trial and the case against A21 and A22 split up and presently the petitioners/A4, A14, A16, A20, A23, A24, A25 & A28 alone are facing trial.

7. He further submitted that the petitioners 1 to 3 are mid level officers, the scheme was conceptualised and implemented at the higher level. The petitioners 1 to 3 were only to forward the orders to the subordinate field officers to implement the scheme. The petitioners 1 to 3 as mid level officers received the report from the field officers, submitted to the Accounts Section, and it was the Executive Engineers, who approved and authorised payment to the contractors. The selection of contractors, execution of work are not within the domain of the petitioners 1 to 3. The petitioners 1 to 3 no way connected with the alleged award of the contract or approving the contract payment. They are only intermediary officers and their note are recommendatory in nature and not final approval. Further in this case the approver died on 21.07.2012.

8. He further submitted that against the first petitioner (for identical charges) departmental proceedings initiated and charge memo issued on 12.01.2002. The first petitioner submitted a reply on 03.02.2002, thereafter departmental enquiry conducted and proceedings initiated on 25.08.2004, after due enquiry, the enquiry report submitted on 29.06.2005, exonerating the first

petitioner. The report placed before the board on 07.03.2007. The charge against the first petitioner in the departmental proceedings is as follows:

> ***Charge No.1****: ThiruP.Somakumaran, formerly A.E.E., TWAD Board, RWS Sub Division, Udhagamandalam, with the connivance of E.Es, A.Es/J.Es., Divisional Accountants and Jr.D.Os. had committed irregularities in the process of calling for tenders, split up the supply orders and procurement of fabricated materials such as Fencing Posts, Chain Links, M.S. cover settling tank covers, Chlorinators, MS Gates, MS Ladders, Water Level Indicators, MS Doors and MS Windows from non-existing firms (and not from the Government approved firms) at exorbitant rates and in excess quantity than the actual requirement. ThiruP.Somakumaran, formerly A.E.E., who is the field officer who worked under E.E. did not prepare the outline proposal estimates and detailed working estimates as per the rules. In some cases the O.P. estimates and detailed working estimates have been prepared after the receipt of the fabricated materials from the unauthorised representatives of bogus firms and prepared the bills and sent them to E.Es. for making payment to the bogus firms which supplied fabricated materials to RWS Division, Udhagamandalam. Accordingly, payments were made. Illegal gratification by means of commission were received by Thiru.P.Somakumaran, AEE and other officials working in RWS Division, Udhagamandalam from Thiru.Anbu @ Anburavi, the proprietor of the bogus firms which supplied fabricated materials to RWS Division, Udhagamandalam. Thiru.P.Somakumaran along with other Executive Engineers, Assistant Executive Engineers, Assistant Engineers, Draughtsman, Divisional Accountants were found responsible for a loss of Rs.73,64,335/- by way of procurement of fabricated materials and thereby committed misconduct under Regulation 6(IV), 6(X) and 6(XL) of TWAD Board Employees'*

(Discipline and Appeal) Regulations, 1972.

***Charge No.2**: That he failed to maintain high standard of Integrity and devotion to duty as expected from an officer of his rank as per Regulation 3 of TWAD Board Officers' and Servants' Conduct Regulations, 1972.*

The first petitioner on identical charges faced departmental proceedings, finally, the enquiry report placed before the board and the board after careful consideration and deliberation dropped the charges framed against the first petitioner.

9. As regards the second and third petitioners, the second petitioner was working as Junior Draftsman in the office of HADP Division, Udhagamandalam and the third petitioner was working as Assistant in HADP Division, Udhagamandalam. Both not involved in decision making/awarding contract or submitting report for execution of the work or recording the work done in M-Book.

10. As regards the petitioners 4 to 8 they are sales representatives of a private firm employed by one Anbu @ Anburavi. Though the petitioners 4 to 8 were employed as sales representatives, they acted as courier to collect the orders from HADP division officers and to supply the materials such as Fencing

Posts, Chain Links, M.S. cover, settling tank covers, chlorinators, MS Gates, MS Ladders, Water Level Indicators, MS Doors and MS Windows. They are not technical person and not aware about the quality of the materials supplied. He further submitted that the petitioners 4 to 8 only acted as per the instructions of their employer. It is not in dispute that the petitioners 4 to 8 are sales representatives and not received any extra benefit for the works done other than the salary they received from their employer.

11. The learned Senior Counsel submitted that the TWAD Board conducted departmental enquiry and found that there is no loss for the TWAD Board in purchase of materials supplied by the petitioners. Due to the pendency of the above case, their entire life ruined. They were unable to secure any employment in the other Firms. They also lost their previous employment, became jobless and attending Court for decades, living in penury. The petitioners 4 to 8 only acted as per their employer, namely, A26/Contractor, who is also no more. Hence, prayed for quashing of the charge sheet against the petitioners.

12.The learned Government Advocate (Crl. Side) filed his objections and submitted that during the period from July 1986 to January 1988, at Udhagamandalam, Coimbatore, Madras and other places in Nilgiris District, A1 entered into conspiracy with his subordinates, contractors and all other accused entered into 231 agreements with seven bogus firms knowing that they were not in existence and made a payment of Rs.1,02,27,494/- through 27 demand drafts to the seven non-existing firms purportedly to cover the cost of HDPE flanges and pipe-ends which even did not figure at all in the sanctioned estimate of the 'D' system of Udgamandalam Water Supply improvement Scheme (UWSIS), thereby defrauded the Government Ex-chequer. Thus, A-1 to A-28 along with K.Elango (approver) in conspiracy with each other in connection with the execution of the work in Distribution System on behalf of the TWAD Board for the Udhagamandalam Water Supply Improvement Scheme, in Nilgiris District, framed false documents with an intent to cause criminal breach of trust, cheating, forgery of records including valuable securities, and used the said forged records as genuine knowing them to be forged, with an intent to cause loss for obtaining illegal gratifications as motive/reward in respect of their official acts, and committed offences of criminal misconduct by public servants in collusion with private persons, thereby A-1 to A-28 committed an offence punishable under Sections 120-B I.P.C. r/w. Sections 167, 409, 420, 465, 467, 471 r/w. 467 and 465, 218 and 161 of I.P.C. and Section 5(2) r/w. Sections 5(1) (c) and (d) of the Prevention of Corruption Act, 1947 and Section 109 of I.P.C.

13. In this case, there are totally 29 accused, A29/Elango was taken as approver, hence, the case proceeded against 28 accused. Since some of the accused were absconding, the trial Court split up the case against A21 in

C.C.No.61 of 2003 and later renumbered as C.C.No.58 of 2011. As against the other accused, the case proceeding in C.C.No.55 of 2011. The case against A1, A3, A7, A8, A10, A11, A12, A13, A15 and A18 quashed in Crl.O.P Nos.13062 & 25179 of 2015, which was taken up to the Apex Court by the respondent. The Hon'ble Apex Court not entertained the appeal, dismissed the same in SLP Nos.15149 and 15156 of 2019 on 18.12.2019. During trial, A2, A5, A6, A9, A17, A19, A26 and A27 passed away. The case against the petitioners alone is pending trial in C.C.No.55 of 2011.

14. The learned Government Advocate further submitted that the first petitioner/A4 filed a quash petition in Crl.O.P.No.20682 of 2016 and this Court by order dated 17.11.2016 dismissed the same. Thereafter the petitioners 2 and 3/A14 & A16 filed quash petition in Crl.O.P.No.19924 of 2017 and petitioners 4 to 8 filed quash petition in Crl.O.P.No.19935 of 2017. All quash petitions dismissed on 21.09.2017. He further submitted that the trial was stifled and delay caused, since one or other accused alternatively absenting before the trial Court, and some of the accused filed discharge petition one after the another, and some filed quash petitions before this Court. Thus, the accused by adopting dilatory tactics protracted the proceedings. In the meanwhile, on administrative ground, the case was transferred to Coimbatore and re-transferred to Udhagamanadalam. The petitioners contributing for delay cannot sustain a quash application on the ground of delay.

15. He fairly submitted that in this case the approver/A29-Elango even before he could be examined before the trial Court, passed away on 21.07.2012. The first petitioner Assistant Executive Engineer, the second petitioner Junior Draughting officer and third petitioner Assistant employed in TWAD, they are mid level officers. The split up of the contract and selection of the suppliers were with the Executive Engineer, who split up the contract into several parts and issued orders to the suppliers, namely, A26/Anbu @ Anburavi. In this case, the said Anbu no more. The petitioners 4 to 8 are employees/sales representatives of suppliers, employed by Anbu/A26. These petitioners acted on the instructions of Anbu/A26 knowing well that materials supplied were not as standard quality and some of the materials supplied not required for the project work. Further, the recording in the M-book are false, based on false recording in M-book, payments released and received by them. The officials in the field are to certify the receipt of goods, and based on the certificate, the officials in the office to verify the corrections and to approve the same, thereafter only payments to be made. As regards these petitioners, sales representatives, without supply of materials prepared certificate as though goods supplied, thereby they facilitated their employer to make false claim and to receive payments without supply of materials.

16. He further submitted that during the relevant period, A20-N.Murali, A22-S.Balaji and A23-R.Kannan claiming they are representatives of M/s.Vinayaga Turnkey Services, M/s.Asoka Pipe Syndicate and M/s.Raj Engineering Construction, colluded with and A26-A.Anbu @ Anburavi and abetted A9 and A4 in the commission of the offences in creating false records and by instigating the officials of TWAD, entries made in the M-Books, thereby the petitioners 4 to 8 along with A1 committed the offence under Section 167 of I.P.C. r/w Section 109 of I.P.C. The petitioners 4 to 8, claiming that they are representatives of M/s.Asoka Pipe Syndicate, M/s.Jindal Plastics, M/s.Bombay Trading Corporation and M/s.S.J.R. Equipment, submitted vouchers, indent and other documents and thereby abetted the TWAD Board officials, in making false entries in M-Book. During investigation, it was found that petitioners 4 to 8 had withdrawn the money from the banks and handed over to A26. Further, A26 opened bank accounts in the name of seven bogus firms in Andhra Bank, Triplicane Branch, Karur Vysya Bank, Alandur Branch and State Bank of Travancore, Kilpauk Branch and deposited the Demand Drafts received from TWAD. Thus the petitioners 4 to 8 actively connived with A26 for the bank transactions. Hence, strongly opposed this petition.

17. Considering the submissions made and on perusal of the materials, it is seen that in this case, F.I.R. registered in the year 1998, thereafter charge

sheet filed in the year 2011 and for one reason or other the case was kept pending. Initially, the petitioners not arrayed as accused and only after recording the statement of approver, the petitioners arrayed as accused in this case. Admittedly, in this case the approver died on 21.07.2012 even before he could be examined as witness before the trial Court. The entire case hinges against petitioners is solely based on the statement of approver. After the death of approver his statement loses its significance, falls into obscurity. Further in this case, out of 28 accused, the case against ten accused quashed, eight died, the case against two accused split up and the case is now pending only against the petitioners herein. Out of these petitioners, petitioners 1 to 3 are the mid level officials of TWAD Board. The first petitioner/A4-Assistant Executive Engineer, second Petitioner/A14-Junior Draughting officer and third petitioner/A16-Assistant in HADP Division, Udhagamandalam, they are posted in the office, not field officers. Apart from the criminal case, departmental proceedings initiated against the first petitioner and charges are identicle one and the same. In the departmental proceedings, full-fledged enquiry conducted, charge memo issued, reply submitted, thereafter departmental enquiry concluded, exonerating first petitioner. The enquiry report placed before the TWAD board, the board deliberated and considered the report and accepted the recommendation of the departmental proceedings committee and charges against first petitioner dropped, the same extracted hereunder:

"The Board after careful consideration of the files and connected records relating to the charges framed for the irregularities committed by the officials of the Board in the purchase of fabricated materials for RWS Schemes undertaken by the RWS Division, Udhagamandalam. RESOLVED to accept the recommendation of the Disciplinary Proceedings Committee and to drop the charges framed against Thiru.P.Somakumaran, Assistant Executive Engineer (under suspension)"

18. As regards the petitioners 2 and 3, who are draughtsman and Assistant, they are not in the decision making post. The entire case against the petitioners is that the Executive Engineer without authority split up the contract, entered into 231 agreements with seven bogus Firms, projected by A26-Anbu @ Anburavi, Contractor and the work was executed. The Engineers and staff in the field received the goods and executed the work and recorded in the M-Book. Based on M-Book extract, submitted to the office and payments received. As regards the petitioners 2 and 3, they are posted in the office, who used to process the bills submitted by the supplier and recommend for approval, the higher officials approve and sanction payment. As regards petitioners 4 to 8, they are employees of A26, the contractor. The case is that A26 projected to A1 that he is running business in the name of M/s.Vinayaga Turnkey Services, M/s.Raj Engineering Construction, M/s.Asoka Pipe Syndicate, M/s.Jindal Plastics, M/s.Bombay Trading Corporation and M/s.S.J.R. Equipments and petitioners 4 to 8, sales representatives names used. As sales representatives, they are bound to obey and follow the instructions of their employer.

19. It is seen that petitioners 4 to 8, projected as partners to the crime equally placed with the contractor-A26 as though they shared the inflated contract amount, but there is no evidence or materials to confirm sharing of any amount by the accused with their employer A26. It is to be seen that in the name of seven Firms, bank accounts opened in Andhra Bank, Triplicane Branch, Karur Vysya Bank, Alandur Branch and State Bank of Travancore, Kilpauk Branch and payments made through 27 demand drafts for supply and execution of the work. All demand drafts deposited in the bank accounts, withdrawn and collected by A26. It is not the case that petitioners 4 to 8 shared the money, misappropriated the same for their own benefit. The supply of substandard materials or supply of materials, which are not required for the contract, are not within the purview of the sales representatives, who are not technical persons. As regards the petitioners 4 to 8, they were shown as abettors as though they abetted the public servants in framing the unconnected documents. In this case, they are only sales representatives and they are not in a dominant position to abet the public servant. They acted as courier, nothing more, the case against the decision taking officials and field officials have been quashed. Thus, as against the mid level officials and sales representatives, the continuation of prosecution will lead to nowhere.

20. It is to be seen that this Court quashed the case against 10 officials of TWAD Board in Crl.O.P.Nos.13062 and 25179 of 2015, which was challenged by the Government before the Hon'ble Apex Court. The Apex Court dismissed the appeal. Further, the administrative decision for exoneration of the first petitioner from the disciplinary proceedings challenged and the same dismissed. Thus the criminal case as well as disciplinary proceedings both reached the Apex Court and the Apex Court approved the discharge of TWAD officials and exoneration of first petitioner from disciplinary proceedings, on identical charges. The petitioners earlier filed quash petitions, on the ground of delay it was dismissed, but not on merits of the case. The petitioners are similarly placed as of the co-accused, whose cases were quashed. In this case, F.I.R. registered in the year 1998, charge sheet filed, taken on file in the year 2003, and the trial not reached its finality.

21. In the case of ***P.Ramachandra Rao vs. State of Karnataka*** reported in ***(2002) 4 SCC 578***, a Bench of Seven Judges while disapproving of setting up of strict timelines for completion of investigation, observed as follows:

> *".... The mental agony, expense and strain which a person proceeded against in criminal law has to undergo and which, coupled with delay, may result in impairing the capability or ability of the accused to defend himself have persuaded the constitutional courts of the country in holding the right to speedy trial a manifestation of fair, just and reasonable procedure enshrined in Article 21. Speedy trial,*

again, would encompass within its sweep all its stages including investigation, inquiry, trial, appeal, revision and retrial - in short everything commencing with an accusation and expiring with the final verdict - the two being respectively the terminus a quo and terminus ad quem - of the journey which an accused must necessarily undertake once faced with an implication. The constitutional philosophy propounded as right to speedy trial has though grown in age by almost two and a half decades, the goal sought to be achieved is yet a far-off peak. Myriad fact situations bearing testimony to denial of such fundamental right to the accused persons, on account of failure on the part of prosecuting agencies and the executive to act, and their turning an almost blind eye at securing expeditious and speedy trial so as to satisfy the mandate of Article 21 of the Constitution….”

22. In the case of ***CBI vs. Mir Usman*** reported in ***2025 SCC Online SC 2066***, the Apex Court following its earlier judgments, held as follows:

……. "31. The right to speedy trial is implicit in Article 21 of the Constitution of India. The first written articulation of the right to speedy trial appeared in 1215 in the Magna Carta: "We will sell to no man, we will not deny or defer to any man either justice or right." Article 21 of the Indian constitution declares that "no person shall be deprived of his life or personal liberty except according to the procedure laid by law." Justice V.R. Krishna lyer in Babu Singh v. State of U.P., (1978) 1 SCC 579: AIR 1978 SC 527 remarked, "Our justice system even in grave cases, suffers from slow motion syndrome which is lethal to "fair trial" whatever the ultimate decision. Speedy justice is a component of social justice since the community, as a whole, is concerned in the criminal being condignly and finally

punished within a reasonable time and the innocent being absolved from the inordinate ordeal of criminal proceedings." In the case of Sheela Barse v. Union of India, (1986) 3 SCC 632 : (1986) 3 SCR 562, this Court has held that the right to speedy trial is a fundamental right. Further it was stated by this Court that the consequence of violation of the fundamental right to speedy trial would be that the prosecution itself would be liable to be quashed on the ground that it is in breach of fundamental right."

23. Thus, the Apex Court held that speedy trial wold encompass within its sweep all its stages including investigation, inquiry, trial, appeal, revision and retrial, in short everything commencing with an accusation and expiring with the final verdict. In this case, admittedly there had been a delay of more than 20 years, all the petitioners now attained senior citizen status. Thus, petitioners deprived of their fundamental right. Considering the entire evidence and materials on the facts of the case it is clear that no case can be made out against the petitioners.

24. Admittedly, in this case, the case against 10 of the accused quashed and eight accused are no more. Hence, the charge of conspiracy and abetment loses its significance. Apart from this charge, there is no specific independent overt act against the petitioners. It is to be seen the petitioners not shown as accused initially, only on the statement of approver A29/Elango, the petitioners arrayed as accused. The admitted position is that even before approver could be

examined as witness and his evidence recorded in this case, he passed away on 21.07.2012. Hence, the approver statement falls into obscurity. Thus, looking the case from any angle, this Court finds no reason or justification to continue the proceedings in C.C.No.55 of 2011 against the petitioners. Further, continuation of proceedings against the petitioners would only amount to abuse of process of Law. Hence, the proceedings against the petitioners/A4, A14, A16, A20, A23, A24, A25 & A28 alone in C.C.No.55 of 2011, pending on the file of Special Court for cases under the Prevention of Corruption Act, Chennai is hereby quashed.

25. Accordingly, the Criminal Original Petition is allowed. Consequently, connected criminal miscellaneous petition is closed.

09.06.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

To

1.The Special Judge,
Special Court for cases under the Prevention of Corruption Act, Chennai.

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

RSI

Pre-delivery order in
CRL OP No. 34433 of 2025
and
Crl.M.P.No.24130 of 2025

09.06.2026