

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.1403 of 2020  
and  
CRL MP(MD)Nos.649 and 650 of 2020

PASTOR GIDEON JACOB

...PETITIONER / SOLE ACCUSED

Vs

1.THE STATE REP.BY  
THE INSPECTOR OF POLICE.  
C.B.I./SCB/CHENNAI.  
FIR NO.RCI (S) 157/2016. ...1ST RESPONDENT/COMPLAINANT

2.M/S.CHANGE INDIA  
REPRESENTED BY ITS DIRECTOR  
A.NARAYANAN. .... 2ND RESPONDENT / DEFACTO COMPLAINANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for the records pertaining to the Impugned proceedings in C.C.No.2534/2019 on the file of the Chief Judicial Magistrate, Tiruchirappalli and to quash the same.

**Prayer in CRL MP(MD). 649/ 2020 :**

To stay all further proceedings in pursuant to the proceedings in C.C.No.2534/2019 on the file of the Chief Judicial Magistrate, Tiruchirappalli.

**Prayer in CRL MP(MD). 650/ 2020 :**

To dispense with the personal appearance of the petitioner before the learned Chief Judicial Magistrate, Tiruchirappalli in C.C.No.2534/2019 pending disposal of the above Criminal Original Petition.

**ORDER:** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.SAMIDURAI, Advocate for the petitioner and of Mr.N.NAGENDRAN, Special Public Prosecutor for CBI Cases for R1, the court made the following order:-

The petitioner is accused in C.C.No.2534 of 2019, on the file of the learned Chief Judicial Magistrate, Tiruchirappalli, has filed this petition to quash the same.

2.The petitioner/accused is Managing Director of M/s.Good Shepherd Evangelical Mission Pvt, Ltd (under which the unit M/s.Mose Ministries functioned). During 1994-1999, 89 girl children were procured from in an around the villages of Usilampatti through his co-workers and with the help of the local retired Panchayat leader Akkini Thevar and his daughter, namely, Rani.

3.The counter affidavit filed by the respondent police, it is seen that the petitioner/accused surreptitiously suppressed the parentage or guardianship of the in-mate children. The in-mate girls were raised by him as Christians and made them have sense of belonging to the institution saying that their parents threw them away since they did not want them. The girls were brought up as Christians and it was inculcated in their minds that they should study Theology and do the ministry works knowing fully well that their parents are Hindus. The petitioner/accused brain washed the children to believe that he was their savior and that their parents had abandoned them and thus created a state of enmity in the minds of the in-mate girls about their parents and the petitioner sexually abused one of the in-mate girl. During investigation, parentage of 41 in-mate girls has been established through DNA test.

4. In view of the above, the petitioner /accused committed the offences punishable under Section 363, 368, 201, 370, 370-A, 153-A and 295-A IPC and Section 24 r/w 13, 16(3) of Orphanages and other Charitable Homes (Supervision and Control) Act, 1960, Section 34 r/w 32 and 33, 75 of Juvenile Justice (Care and Protection of Children Act) 2015 and Section 20 r/w 6 and 12 of Tamil Nadu Hostel and Homes for Woman and Children (Regulation) Act, 2014.

5.It is now submitted that the case has been committed to the Court of the learned Principal Sessions Judge, Trichy.

6.Though the petitioner had raised several grounds, for taking cognizable of offence under Section 153(A) and 295(A) IPC, sanction under Section 196 Cr.P.C is required and as well for the offence under Section 24 r/w 13, 16(3) of Orphanages and other Charitable Homes (Supervision and Control) Act, 1960, under Section 25 of the Act is required. Hence, the cognizance of the offence cannot be taken without the sanction order.

7.The learned counsel for the petitioner further submitted that the prosecution in the charge sheet have admitted the same. On the contrary, the lower Court took cognizance and the same assigned C.C.No.2534 of 2016. Thereafter, now the same was committed to the Court of Principal Sessions Court in S.C.No.48 of 2020.

8.The learned Special Public Prosecutor filed a counter, in which, Para No.9 (viii), it is admitted that the prosecution has mentioned in the charge sheet that sanction order for offences under Section 153-A and 295-A of IPC and for Section 24 r/w 13, 16(3) of

Orphanages and other Charitable Homes (Supervision and Control) Act, sanction ought to be obtained and submitted before the Court and further requested the Court below to take cognizance after receipt of the same. In the charge sheet, the same request has been made out.

9.Considering the submission, it is seen that for taking cognizance of offence under Section 153(A), 295 IPC *sine qua non* is that no Court shall take cognizance of such offence except that the provisions sanction of the Central or by the State Government, as well it is admitted that for Section 24 r/w 13, 16(3) of Orphanages and other Charitable Homes (Supervision and Control) Act, sanction has not been obtained.

10.Admittedly, in this case, the respondent/CBI have clearly stated in the charge sheet as well as in the counter that no such sanction have been obtained and cognizance to be taken after obtaining of sanction order.

11.In view of the same, this Court is inclined to grant stay till the sanction order is obtained.

12.It is also submitted that the age of the petitioner his health ailments, further, his wife is also not well and he has to take care of her also.

13.In view of the above, the personal appearance of the petitioner before the trial Court is dispensed with.

sd/-  
26/02/2020  
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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1.THE CHIEF JUDICIAL MAGISTRATE TRICHY DISTRICT.
- 2.THE INSPECTOR OF POLICE.C.B.I./SCB/CHENNAI
- 3.THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2.CC to M/S.M.SIDDHARTHAN Advocate SR.Nos.8351,8352

ORDER IN  
CRL OP(MD) No.1403 of 2020  
and CRL MP(MD)Nos.  
649 and 650 of 2020  
Date :26/02/2020

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<http://www.judis.nic.in> SAR.1/19.03.2020/3P/6C