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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2026

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Crl.O.P.No. 31682 of 2024

And

Crl.M.P.No. 18029 of 2024

Daniel Samuel

... Petitioner/7th Accused

Vs.

State

The Additional Superintendent of Police

Central Bureau of Investigation (CBI)

Economic Offence Granch (EOB)

Chennai.

... Respondent/Complainant

PRAYER: This Petition filed under Section 528 of BNSS, 2023 to call for the records and quash the proceedings as against the petitioner in C.C.No. 2 of 2013 on the file of the learned Principal Special Judge for CBI Cases, Coimbatore for offences under Sec. 120B read with 347, 384, 506(i), 507 of IPC and Sec. 8, 10, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

For Petitioner

: Mr. A.Ramesh
Senior Advocate
for Mr.R.Ashwin

For Respondent

: Mr. K.Srinivasan
Special Public Prosecutor



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ORDER

Heard Mr. A. Ramesh, learned Senior Advocate for Mr.R.Ashwin, for the petitioner, and Mr. K. Srinivasan, learned Special Public Prosecutor for CBI cases.

2. This is a petition invoking Section 528 of BNSS. It seeks to quash the proceedings initiated against the petitioner in C.C. No. 2 of 2013 on the file of the learned Principal Sessions Judge for CBI cases, Coimbatore. For the points involved in this case, it is unnecessary to dwell deep into the background of the case.

3. Suffice to record that after investigation, the final report was filed by the prosecuting agency on 13.05.2013. At the time of filing the final report, the Investigating Agency stated that the investigation with regard to certain facts regarding concealment of extorted money by various accused was in progress under Section 173(8) of Cr.P.C. Between 2013 and 04.10.2024, the investigation is said to have progressed. On 04.10.2024, a supplementary charge sheet was filed in which the petitioner was arrayed as the seventh accused. The petitioner is not an accused named in the FIR. In the supplementary final report, in



paragraph No. g, the CBI had stated that during further investigation undertaken after 2013, no further oral, documentary, or other evidence than the one filed along with the charge sheet dated 13.05.2013 which was taken cognizance as C.C.No. 2 of 2013 could be gathered. Yet, the petitioner was roped in as A-7. Aggrieved by the same, the present petition.

4. The simple yet elegant argument of Mr. A. Ramesh is that in order to invoke Section 173(8) of Cr.P.C., fresh evidence should have been brought on record by way of the supplementary charge sheet. By rehashing the same material, which was available at the time of filing the original final report, it is not open to the CBI to bring an additional accused on record. He relies upon several judgments of the Supreme Court including the recent judgment in *Mariam Fasihuddin and another Vs. State of Adugodi Police Station and another* [2024 SCC Online SC 58] and *Pramod Kumar and Others Vs. State of U.P., and others*, [2026 INSC 120].

5. On the contrary, Mr. K. Srinivasan states that the petitioner has been spoken about by LW34 as well as in the statement made by the said LW34 under Section 164 of the Criminal Procedure Code. He states that despite the best efforts taken by CBI, the materials were not forthcoming.



Therefore, on the basis of existing materials, the supplementary charge sheet came to be filed.

6. I have carefully considered the submissions made on both sides. I have gone through the records.

7. For the purpose of invoking Section 173(8) of Cr.P.C., the CBI should have obtained further evidence, either orally or documentary and thereafter submitted a further report(s) regarding such evidence in the form prescribed. This contemplates fresh evidence available after the final report had been presented under Section 173(2).

8. As rightly contended by Mr. A. Ramesh, by rehashing or rearranging the evidence, the prosecuting agency cannot bring in new accused by way of supplementary report. As the requirements of Section 173(8) of Cr.P.C. are not satisfied in the present case, this petition is allowed. The proceedings against the petitioner are quashed. Consequently, connected Miscellaneous Petition stands closed.

9. I should note at this point that the same situation prevails even with respect to the sixth accused. Applying the principle of parity, the benefit granted to the petitioner will also be extended to the sixth accused. Additionally, I should mention that allowing this petition will not, in any way, prevent the Magistrate from invoking Section 319 CrPC,



if the conditions contemplated under that section are met.

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Index :Yes/No

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Internet:Yes/No

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To:

1. Principal Special Court for CBI Cases, Coimbatore.
2. The Additional Superintendent of Police
Central Bureau of Investigation (CBI)
Economic Offence Granch (EOB)
Chennai.
3. The Public Prosecutor
High Court, Madras.

V. LAKSHMINARAYANAN , J.

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