

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.4.2015

CORAM

THE HONOURABLE MR.JUSTICE P.DEVADASS

Crl.O.P.No.10984 of 2015

Fusaram Raj Purohit

... Petitioner/A-2

.. Vs ..

State

rep. By The Inspector of Police,
CBI/ACB, Chennai.

.... Respondent/Complainant

RC No.41 (A) /2002.

PRAYER: This petition filed under Section 482 of Criminal Procedure code seeking direction to the trial Court viz., Special Court/Principal Sessions Court, Puducherry to grant time to the petitioner till the first week of June, 2015 to file his written arguments in Spl.C.C.No.1 of 2015 pending on the file of the Special Court and Principal Sessions Court, Puducherry.

For Appellant : Mr.Arun Anbumani for
M/s.N.Raja Senthoorpandian

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor, CBI

O R D E R

A-2 in Spl.C.C.No.1 of 2015 filed this Criminal O.P.No.10984 of 2015 seeking direction to the trial Court viz., Special Judge, CBI cases, Puducherry to give reasonable opportunity to file his written arguments and also make his oral submissions.

2 In Crl.O.P.No.1571 of 2015 on 23.1.2015, this Court while disposing of the said petition, directed the Special Court for CBI cases, Puducherry to dispose of the Special C.C.No.1 of 2015 within two months time from the date of cross examination of P.W.26. P.W.26 was cross examined on 20.4.2015. Thereafter, on 24.4.2015 P.W.30 has been recalled and cross examined. On that day, prosecution filed written arguments. A-1 also completed his arguments. The time fixed by this Court expires on 20.6.2015.

3 On 24.4.2015, petitioner/A-2 filed C.M.P.No.786 of 2015 under section 309 Cr.P.C. seeking adjournment till the first week of June, 2015 to enable him to file his written arguments and also make his oral submissions. However, the trial Court dismissed the same and posted the matter to 30.4.2015 for judgment.

4 At this juncture, A-2 seeks relief as stated at the outset.

5 The learned counsel for the appellant submits that there is no delaying tactics. He is duty bound to make effective representation and assist the Court, in such circumstances, he may be given reasonable opportunity.

6 The learned Special Public Prosecutor, CBI reiterated the factual matrix already stated. He submits that prosecution has completed its job. A-1 also completed his arguments. Now, the learned Judge has to complete its task. In the circumstances, when the adjournment was sought for, the trial Court had dismissed the petition.

7 The time limit of two months has been fixed for the disposal of the case. It is not for A-2 alone. Within the said time examination of witnesses, arguments, preparation of judgment, delivering of judgment etc. have to be done. Therefore, the petitioner/A-2 need not labor under misconception that still time is available and upto the deadline date the trial Court has to wait.

8 In this case, totally, 30 witnesses have been examined, 180 documents have been marked, one defence witness also has been examined. The Court has to do its duty. The defence counsel also has to do its duty to the Court and also discharge his bounden duty to his client to the best of his ability and knowledge. In such circumstances, he must be given reasonable opportunity.

9 No doubt, in this case, time limit has been fixed by this court. The principle is Justice should not only be done but undoubtedly and manifestly seems to have been done''.

10 Even a loser of a case should walk out of the Court with the fullest satisfaction that he had been given full and fair opportunity. It is the hallmark of fairness. If a party had such a satisfaction then the principle of fair trial stand vindicated.

11 In the interest of justice, reasonable opportunity should be given to file the written arguments and make oral submissions, if need be, when especially so much of witnesses have been examined and exhibits were marked.

12 To his luck, the intervening summer rescess begins from 1.5.2015. For the whole month of May, the trial Court also will be closed and it will be re-opened only on 1.6.2015.

13 It would not be proper to complete his arguments on 30.4.2015 itself. Thus, by quirk of events, petitioner will have more time than what he had expected.

14 In the light of the above, petitioner/A-2 will file his written arguments and make his oral submissions, if need be, on 1.6.2015. No further time will be given. Thereafter, the trial Court will proceed to dispose of the case in Spl.C.C.No.1 of 2015 in accordance with law.

15 Accordingly, this Criminal Original petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Special Judge/Principal Sessions Judge, CBI cases, Puducherry.

2.The Special Public Prosecutor, CBI, Chennai.

3 The Inspector of Police, CBI/ACB, Chennai.

+ 1 cc to Mr.K. Srinivasan, Advocate SR.23917

+ 2 ccs to Mr.N. Raja Senthoo Pandian, Advocate SR.23838

JSV(CO)
EU 05.05.2015

Cr1.OP.No.10984 of 2015

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