

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2015

CORAM:

THE HONOURABLE MS. JUSTICE R. MALA

Criminal Revision No.1323 of 2014
and
M.P.No.1 of 2014

Date of Reserving the Judgment 26.02.2015	Date of Pronouncing the Judgment 05.03.2015
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1.A.Parthasarathy

2.K.Aroumougame Petitioners/Accused Nos.3 & 4

vs.

1. State represented by
Inspector of Police
SPE:CBI:Anti-Corruption Branch
Haddows Road, Chennai.
Crime No.R.C.MA1 2008 A 0065

2. Karumari Subbarayudu
S/o.K.M.Gandhi

3. N.Balasubramanian
S/o.Nammalwar Respondents/Complainant

Prayer:

Criminal revision filed under Section 397 read with 401 of Cr.P.C.,
against the order dated 14.08.2014 made in CrI.M.P.No.425/2013 in
Special C.C.No.8/2010 on the file of the learned Special Judge at
Puducherry.

For Petitioners : Mr.V.Gopinath, Senior Counsel
for Mr.L.Ramalingam

For Respondents : Mr.Bhasuran
Special Public Prosecutor, for R1

R2 & R3 - No Appearance

O R D E R

The present Criminal Revision has been preferred for setting aside the impugned order dated 14.08.2014 in CrI.M.P.No.425 of 2013 wherein the discharge application filed by A3 and A4 under Section 239 Cr.P.C came to be dismissed.

2. The learned counsel appearing for the petitioner would submit that on source information, the CBI has registered a case and after investigation has filed chargesheet against the petitioners herein (A3 and A4) along with A1 who is a professor in Pondicherry Engineering College and A2 who is an Assistant Professor in the said College, under Section 120B r/w 420, 468 r/w 471 IPC and under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The case of the prosecution is that A1 was nominated as Chairman of Evaluation Board of Pondicherry University during the year 2007-2008 and A2 was nominated as examiner to evaluate the answer scripts pertaining to the B.Tech examination conducted during November 2007. A3, the first petitioner herein is a IIIrd year B.E., (Mechanical) student of Pondicherry Engineering College is the beneficiary and A4 is the father of A3. The relevant portion of the charge is usefully extracted hereunder:

"2. That during the course of investigation the involvement Shri.Karumari Subbaraiyudu S/o.Shri.K.M.Gandhi, Shri.Balasubramanian S/o.Nammalwar, Assistant Professor, Pondicherry Engineering College, Puducherry, Shri.Parthasarathy S/o.Shri.Aroumougame, a III rd year BE mechanical student of Pondicherry Engineering College, Puducherry and Shri.Aroumougame, father of Shri.Parthasarathy came to light as such they were arraigned as accused in this case.

3. That Shri.Parthasarathy, a student of Pondicherry Engineering College having registration number 253170334 appeared for IIIrd year BE examination conducted by Pondicherry Engineering College in the month of Nov. 2007 and wrote examination on the subjects 1) Design of machine elements-1, 2) Heat and Mass Transfer, 3) Quality, reliability and Safety Engineering, 4) Power Plant Engineering, 5) Electrical and Electronic Engineering and 6) Control system Engineering and Mechatronics.

4. That the Pondicherry University has assigned dummy number 1730 to the answer scripts of Shri.Parthasarathy. The answer scripts of Shri.Parthasarathy were evaluated at Pondicherry University during the period between 09.01.2008

and 19.01.2008 by various examiners including Shri.Balasubramanian, Assistant Professor, Pondicherry Engineering College, Puducherry and marks were awarded in accordance with the answers written by Shri.Parthasarathy except the answer scripts evaluated by Shri.Balasubramanian. The evaluated answer scripts were under the safe custody of Section Officer, Examination Wing, Engineering stream, Pondicherry University.

5. That after the examinations is over Shri.Parthasarathy and Shri.Aroumougame met Shri.Balasubramanian, Asstt. Professor and Subbaraiyudu, Professor, Pondicherry Engineering College, Puducherry and hatched a conspiracy in Puducherry to cheat Puducherry University in the matter of inflating marks of Shri.Parthasarathy who wrote examination during Nov 2007 on the subjects viz., Design of Machine Elements-1, Heat and Mass Transfer, Quality, reliability and Safety Engineering, Control system Engineering and Mechatronics and make him to pass in the examination."

3. During the evaluation process, A2 abused his official position as professor/examiner, fraudulently and dishonestly awarded 70 marks out of 80 marks and 69 marks out of 80 marks for the subjects Control System & Engineering and Mechatronics respectively. The examiner who had evaluated the answer scripts had awarded only 21 marks out of 80 marks for Control System & Engineering and 38 marks out of 80 marks for Mechatronics. Further on the final day of evaluation, the first and second accused by abusing their official position managed to enter the safe room of Pondicherry University examination wing, where the evaluated answer scripts were kept under safe custody, took out all the answer sheets bearing dummy number 1730 from the strong room. Then, A1 dishonestly and fraudulently struck off the original marks awarded on the front page of the answer scripts as well as Wall Mark List in respect of answer scripts of the subjects viz., 1) Design of machine elements-1, 2) Heat and Mass Transfer, 3) Quality, reliability and Safety Engineering, 4) Power Plant Engineering of A3 and inflated the marks on the front page of the abovesaid answer scripts as well as the Wall Mark List in his own hand writing, without the knowledge of the examiners concerned and there by forged the front page of the answer scripts and Wall Mark List of the above mentioned answer scripts intending that the above said forged documents would be used for the purpose of declaration of results by the Pondicherry University as if A3 has passed. On the basis of a source information, the first respondent has registered a case on 31.12.2008 under Section 120-B r/w 420, 468, 471 IPC and Section 13

(2) r/w 13(1)(d) of PC Act, 1988 against one Kanniappin and three others. After investigation, chargesheet has been filed against four persons and the petitioners herein are arrayed as A3 and A4.

4. The learned counsel appearing for the petitioners would submit that even though A3 is the beneficiary, he has got nothing to do with the commission of the offence. An enquiry committee was constituted to probe into the alleged offence and disciplinary action has been taken by the Examination wing of the University in respect of all the students and the concerned examinations written by the students were cancelled. Further the Chairman/examiners who indulged in inflating the marks have been debarred by the Examination wing as recommended by the Committee. So, no criminal action need to be taken against the revision petitioners. That factum was not considered by the Trial Court.

5. L.W.1/Kuppusamy who was working as Director of Studies, Pondicherry University, Puducherry in his evidence has stated that a committee was constituted on 27.02.2008 to probe into the matter and it found that the marks pertaining to dummy No.1730 was inflated by Dr.Subbrayudu, Professor, Pondicherry Engineering College on the request of Shri.N.Balasubramaniam, Examiner of Ponciherri University. The committee also recommended that attempt has been made in many papers by the examiners and others to help Shri.Parthasarathy to pass the subject. There is also tampering of marks in this case. The direct beneficiary of the acts is only Shri.Parthasarathy. Hence his case may be taken up by the Disciplinary committee. It was also further held that with regard to Chairman/Examiners who have indulged in inflating the marks may be debarred from attending Pondicherry University Examination works for a period of atleast three years. Thus, except stating that A3 is the direct beneficiary, L.W.1 has not deposed that he is involved in the commission of the offence.

6. On the other hand, L.W.5/Rathinam, Lecturer, Department of Mechanical Engineering, Pondicherry Engineering College, Puducherry has deposed about the involvement of A4 in the commission of the offence and not by A3. L.W.5 in his statement has stated that Shri.Parthasarathy was the student of Mechanical Department. He was very close to the Professors Shri.Balasubramaniam and Shri.Subbarayudu. His father Shri.Arumugam used to meet the above said professors frequently. During the period November 2007, Shri.Arumugam used to visit and meet those professors almost everyday. Except this nothing has been mentioned to show that there is material for framing charges. So, no prima facie case has been made out and the said factum was also not considered by the Trial Court. Thus, the learned counsel for the petitioners prayed for

setting aside the impugned order.

7. The learned counsel for the petitioners also taken me through the statement of L.W.2/Loganathan, Registrar, Pondicherry University wherein it was stated as follows:

"The Committee recommended that the Chairman of the board as well as the examiners who have indulged in inflating the marks should be debarred from the examination works atleast for a period of three years.

The Committee also recommended initiation of disciplinary action against the student who has been the direct beneficiary of the malpractices.

Disciplinary action has been taken by the Examination wing of the University in respect of all the students and the concerned examinations written by the students were cancelled. Further the Chairman/examiners who indulged in inflating the marks have been debarred by the Examination wing, as recommended by the Committee."

8. L.W.19/Dr.Vani Adithan, who was one of the member of the Disciplinary Committee has stated as follows:

"Shri.Parthasarathy appeared before the committee and he was given an opportunity to explain his involvement in the alleged malpractice. The candidate totally denied his involvement and the committee decided unanimously to cancel all the examinations written by him and instructed him to appear the examinations whenever the next examinations are conducted."

9. L.W.20/Dr.Ramadass Kanakal in his statement has stated as follows:

"I observed that the marks awarded in the answer scripts and marks entered into the Vall sheets were corrected. On the same day, the candidate - Mr.A.Parthasarathy, Reg.No.253170334, VI Semester, B.Tech (Mechanical Engineer) Pondicherry Engineering College was asked to explain about his role in the alleged malpractice. He totally denied his involvement. Since the committee did not find any incriminating material against Shri.Parthasarathy, it was decided unanimously to cancel all the examinations written by him and to instruct him to appear for the examinations whenever the next examinations are conducted by the university."

10. The Trial Court without considering the fact that the Committee did not find any incriminating material against

Shri.Parthasarathy had denied the relief sought for by him. Hence, the learned counsel for the petitioners prayed for setting aside the impugned order.

11. To substantiate his argument, the learned counsel for the petitioners relied upon the decision reported in 1960 M.W.N (Crl.) 177, R.P.Kapur v. The State of Punjab and prayed for an order.

12. Resisting the same, the learned Special Public Prosecutor appearing for the first respondent would submit that A3 is the main beneficiary in the matter. On the basis of source information, FIR has been registered and after investigation, five chargesheet had been filed which was taken on file in special C.C.No.8/2010 to C.C.No.12/2010. Of the five chargesheets, three were in regard to the malpractice that took place in Engineering College and two were in regard to the Medical College. Even though Crl.O.P.No.9835 of 2011 was filed by the petitioners to quash the chargesheet, the same was dismissed. Thereafter, they filed the application for discharge which was also dismissed, against which the present revision has been preferred. So, the filing of the quash application will not debar or prohibit the petitioners to file the discharge application.

13. The learned Special Public Prosecutor had also taken me through the statement of P.W.5/Rathinam, wherein he had stated as follows:

"Now CBI Inspector shown me the Answer Scripts on the subjects Quality, Reliability and Safety Engineering, Design of Machine Elements, Heat and Mass Transfer, Electrical and Electronics Engineering, Mechatronics and Control Engineering System and being asked, I state that except the Answer Scripts, Mechatronics and Control Engineering Systems in all the other answer scripts, the candidate wrote the subject name on the front page of the answer script in an ordinary way, whereas in the answer scripts pertaining to Mechatronics and Control System Engineering, the candidate wrote the subject name with Bold Capital Letters and underline the subject name of Mechatronics in double line. I believe that this candidate wrote the Mechatronics and Control System Engineering subject names as mentioned above with the intention, so that the examiner could easily identify his answer scripts and also the examiner could identify the dummy numbers allotted for him."

14. So, A3 has committed the offence and there is material to frame charges against A3. Further, the learned Special Public

Prosecutor has also taken me through LD-3, Answer script of Quality, Reliability and Safety Engineering, wherein the marks were tampered and from 32 marks to 40 marks. In LD-4, Answer script of Design of Machine Elements-1, the marks were tampered from 26 marks to 36 marks. In LD-5, Answer script of Heat and Mass Transfer, the marks were tampered from 23 marks to 36 marks. In LD-6, Answer script of Electrical and Electronics Engineering, the marks were tampered from 15 marks to 45 marks. In LD-7, Answer script of Control System Engineering and LD-8, Answer script of Mechatronics, the subject names were written in bold letters. Thus, it would prove that the A3 has played a role in the commission of the offence. Hence, the learned Special Public Prosecutor prayed for dismissal of the petition.

15. To substantiate his argument, he relied upon the following decisions:

1. (2008) 10 Supreme Court Cases 681, Sanghi Brothers (Indore) Pvt. Ltd., v. Sanjay Choudhary and Others.
2. (2005) 1 Supreme Court Cases 568, State of Orissa v. Debendra Nath Padhi.
3. (2007) 5 Supreme Court Cases 403, Soma Chakravarty v. State through CBI.
4. 2015 (1) MLJ (Cr1) 42, State Tr. Inspector of Police v. A.Arun Kumar and Another.

16. Considered the rival submissions made by both sides and perused the typed set of papers.

17. On receipt of source information, a FIR has been registered in RC MA1 2008 0065 on 31.12.2008 under Sections 120-B r/w 420, 468, 471 IPC and Section 13(2) r/w 13(1)(d) of PC Act, 1988 against 4 persons. In the FIR, neither the names of the revision petitioners (A3 & A4) nor the names of A1 and A2 were shown as the accused. During the course of the investigation only, it was found that there were malpractices in the examination conducted by the Pondicherry University, particularly in the engineering and medical stream and marks were delivered in favour of certain students leading to declare them as passed, who have otherwise not scored sufficient marks to be declared as passed. According to the learned Special Public Prosecutor, five chargesheets had been filed in Special C.C.No.8/2010 to C.C.No.12/2010. Out of the said five chargesheets, three chargesheets were in respect of malpractices at Engineering College and two in respect of malpractices at Medical College. Neither of the two petitioners herein were shown as accused in the FIR, but were shown as accused in Special C.C.No.8 of 2010.

18. The only point to be decided is that at the time of considering the discharge application, whether there was any prima facie material before the Court to frame charges against the accused? It is not the case to decide whether those materials are sufficient to convict the accused. Hence, it is appropriate to consider the decisions relied on by both sides.

19. The learned counsel for the petitioners relied upon the decision reported in 1960 M.W.N (Crl.) 177, R.P.Kapur v. The State of Punjab and submits that where the allegations in the first information report or the complaint even if they are taken at their face value and accepted in entirety do not constitute the offence alleged it would be legitimate for the High Court to hold that it would be manifestly unjust to allow the process of the criminal court to be issued against the accused person. It is appropriate to incorporate the relevant portion of the said decision:

"There may be cases where it may be possible for the High Court to take the view that the institution or continuance of criminal proceedings against an accused person may amount to an abuse of the process of the court or that the quashing of the impugned proceedings would secure the ends of justice. Where it manifestly appears that there is a legal bar against the institution or the continuance of the criminal proceedings, the High Court would be justified in quashing the proceedings on that ground. Where the allegations in the first information report or the complaint even if they are taken at their face value and accepted in entirety do not constitute the offence alleged it would be legitimate for the High Court to hold that it would be manifestly unjust to allow the process of the criminal court to be issued against the accused person. Where the allegations made against the accused person do constitute the offence alleged but there is either no legal evidence adduced in support of the case or the evidence adduced clearly or manifestly fails to prove the charge the High Court would exercise its inherent jurisdiction. In dealing with this class of cases it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is manifestly and clearly inconsistent with the accusation made and cases where there is legal evidence which on its appreciation may or may not support the accusation in question. In exercising its jurisdiction under s.561-A, Cr.P.C. the High Court would not embark upon an enquiry as to whether the evidence in question is reliable or not."

20.1. The learned Special Public Prosecutor relied upon the decision reported in (2008) 10 Supreme Court Cases 681, Sanghi Brothers (Indore) Pvt. Ltd., v. Sanjay Choudhary and Others, wherein it was held that at the time of framing the charges, the Court ought to see whether the material brought on record can reasonably connect the accused with the offence and nothing more is required to be enquired into. It is appropriate to incorporate paragraphs 8 to 10 of the said decision:

"8. Sections 227, 239 and 245 deal with discharge from criminal charge. In State of Karnataka v. L. Muniswamy (1977 (2) SCC 699) it was noted that at the stage of framing the charge the court has to apply its mind to the question whether or not there is any ground for presuming the commission of offence by the accused. (Underlined for emphasis). The Court has to see while considering the question of framing the charge as to whether the material brought on record could reasonably connect the accused with the trial. Nothing more is required to be inquired into. (See Stree Atyachar Virodhi Parishad v. Dilip Nathumal Chordia (1989 (1) SCC 715) and State of West Bengal v. Mohd. Khalid (1995 (1) SCC 684).

9. In R.S. Nayak v. A.R. Antulay (1986 (2) SCC 716) this Court referred to Sections 227 and 228 so far as they are relatable to trial. Sections 239 and 240 are relatable to trial of warrant cases and 245(1) and (2) relatable to summons cases.

10. After analyzing the terminology used in the three pairs of sections it was held that despite the differences there is no scope for doubt that at the stage at which the court is required to consider the question of framing of charge, the test of a prima facie case to be applied."

20.2. The next decision relied on by the learned Special Public Prosecutor is reported in (2005) 1 Supreme Court Cases 568, State of Orissa v. Debendra Nath Padhi, wherein it was held that at the stage of framing charge, the trial court is required to consider whether there are sufficient grounds to proceed against the accused. Section 227 of the Code of Criminal Procedure, 1973 provides for eventuality when the accused shall be discharged. If not discharged, the charge against the accused is required to be framed under Section 228. Similarly, in respect of warrant cases triable by Magistrates, instituted on a police report, Sections 239 and 240 of the Code are the relevant statutory provisions. Section 239 requires the Magistrate to consider the police report and the documents sent with

it under Section 173 and, if necessary, examine the accused and after giving accused an opportunity of being heard, if the Magistrate considers the charge against the accused to be groundless, the accused is liable to be discharged by recording reasons thereof.

20.3. In the decision reported in (2007) 5 Supreme Court Cases 403, Soma Chakravarty v. State through CBI, at paragraph 10 it was held as follows:

"10. It may be mentioned that the settled legal position, as mentioned in the above decisions, is that if on the basis of material on record the Court could form an opinion that the accused might have committed offence it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence. At the time of framing of the charges the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution has to be accepted as true at that stage. Before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commitment of offence by the accused was possible. Whether, in fact, the accused committed the offence, can only be decided in the trial."

20.4. The learned Special Public Prosecutor relied on the decision reported in 2015 (1) MLJ (Cr1) 42, State Tr. Inspector of Police v. A.Arun Kumar and submits that if the Court thinks that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of deciding prima facie whether the Court should proceed with the trial or not. It is appropriate to incorporate paragraphs 8 and 9 of the said decision:

"8. The law on the point is succinctly stated by this Court in Sajjan Kumar v. CBI[2] wherein after referring to Union of India v. Prafulla Kumar Samal[3] and Dilawar Balu Kurane v. State of Maharashtra[4] this Court observed in para 19 thus:

"It is clear that at the initial stage, if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of

deciding prima facie whether the Court should proceed with the trial or not. If the evidence which the prosecution proposes to adduce prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial."

This Court then went on to cull out principles as regards scope of Sections 227 and 228 of the Code, which in our view broadly apply to Sections 238 and 239 of the Code as well. It was observed thus in para 21:

"Exercise of jurisdiction under Sections 227 & 228 of Cr.P.C.

21. On consideration of the authorities about the scope of Section 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 of the Cr.P.C. has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing a charge and proceeding with the trial.

(iii) The Court cannot act merely as a Post Office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the Court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the Court must apply its judicial

mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the Court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value discloses the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

9. In our considered view, the material on record discloses grave suspicion against the respondents and the Special Court was right in framing charges against the respondents. We must also observe that the High Court was not justified in stating that Section 15 of the POC Act could not be invoked in the present case. Since the duty draw back was not actually availed, the prosecution had rightly alleged that there was an attempt to commit offence under the relevant clauses of Section 13(1) of the POC Act. It is not the requirement of law that in order to charge an accused under Section 15 of the POC Act he must also be charged either under Section 13(1)(c) or 13(1)(d) of the POC Act. The assessment of the High Court in that behalf is not correct."

21. Considering the above citations of the Hon'ble Apex court, it can be inferred that the Trial Court need not go into the question whether it is a fit case for conviction. The charge has to be framed and it has to be decided whether there is a ground for presuming that the accused has committed the offence and nothing more.

22. Thus, in the light of the above decisions, it would be appropriate to consider the 161 statements of L.W.1/Kupuswamy, L.W.2/Loganathan, L.W.15/Raja Ram, L.W.19/Dr.Vani Adithan and L.W.20/Dr.Ramadass Kanakal and also the documents viz., LD-3, LD-4, LD-5, LD-6, LD-7 and LD-8.

23. On perusal of the 161 statement of L.W.5/Rathinam, it was stated as follows:

"Now CBI Inspector shown me the Answer Scripts on the subjects Quality, Reliability and Safety Engineering, Design of Machine Elements, Heat and Mass Transfer, Electrical and Electronics Engineering, Mechatronics and Control Engineering System and being asked, I state that except the Answer Scripts, Mechatronics and Control Engineering Systems in all the other answer scripts, the candidate wrote the subject name on the front page of the answer script in an ordinary way, whereas in the answer scripts pertaining to Mechatronics and Control System Engineering, the candidate wrote the subject name with Bold Capital Letters and underline the subject name of Mechatronics in double line. I believe that this candidate wrote the Mechatronics and Control System Engineering subject names as mentioned above with the intention, so that the examiner could easily identify his answer scripts and also the examiner could identify the dummy numbers allotted for him. The Answer Scripts of Control Systems and Engineering and Mechatronics were examined by Shri.Balasubramaniam and there is every possibility that he could identify the Answer Script as well as the dummy allotted to the candidate. Moreover the systems adopted in Pondicherry University that a single dummy number is allotted to all the subjects of a particular candidate."

24. The learned Special Public Prosecutor also drawn by attention to the documents viz., LD-3, LD-4, LD-5, LD-6, LD-7 and LD-8. In the documents LD-7 and LD-8, the name of the subject were written in bold letters in order to identify the answer script. As far as the other documents, viz., LD-3, LD-4, LD-5, LD-6, are concerned, they were sent to the forensic department and for handwriting expert opinion. Only after obtaining the expert opinion, chargesheet has been levied against the accused 1 and 2. As regards A3 and A4 are concerned, A3 is the beneficiary, as per the 161 statement of L.W.5/Rathinam and documents LD-7 and LD-8, along with LD-3 to LD-6, there is prima facie material to frame charges. Hence, I am of the opinion that prima facie case has been made out for framing the charges.

25. In such circumstances, I am of the view that there is material before the Court to frame charges against the accused. Furthermore, the Trial Court has rightly considered the facts in paragraphs 10 and 11 of its order and came to a correct conclusion that there is enough materials before the Court to frame the charges. Hence, I do not find any merits in this revision.

26. In fine, the Criminal Revision deserved to be dismissed and it is hereby dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pgp

To

1. The Special Judge,
Puducherry
2. The Inspector of Police,
Special CRI-Anti Corruption Branch,
Haddows Road,
Chennai.
3. The Special Public Prosecutor (For CBI Cases)
High Court, Madras.

+2cc's to Mr.L.Mahendran, Advocate, S.R.No.13025
+1cc to Mr.Bhasuran, Spl. P.P(CBI), S.R.No.12203

SR(CO)
CA(13/03/2015)

Criminal Revision No.1323 of 2014

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