

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.11.2015

Coram

The Honourable Mr. Justice A.SELVAM

Crl. R.C.No.1337 of 2014

T.Rajendran

.. Petitioner/Accused No.5

vs.

1. The Inspector of Police
CBI/SCB/Chennai

2.The General Manager & Chief Vigilance Officer
Vigilance Officer, Vigilance Wing
Head Office
No.112, J.C.Road
Bangalore 560 002

.. Respondents/Complainant/
defacto Complainant

Revision under Section 401 of Criminal Procedure Code
against the orders passed in Crl.M.P.No.3721 of 2012 in C.C.No.28
of 2013 on the file of XI Additional City Civil Court and
Sessions Judge, Chennai dated 17.10.2014.

For petitioner : Mr.S.Doraisamy
For respondent : Mr.K.Srinivasan,
Spl.Public Prosecutor for R1
Mr.S.Kesavan for R2

O R D E R

This Criminal Revision Case has been directed against the
dismissal order passed in Crl.M.P.No.3721 of 2012 in Calendar
Case No.28 of 2012 by the XI Additional City Civil and Sessions
Court, Chennai.

2. The revision petitioner, as petitioner, has filed
Crl.M.P.No.3721 of 2012 in C.C.No.28 of 2012 under section 227
of the Code of Criminal Procedure, 1973 praying to discharge him
from the proceedings of C.C.No.28 of 2012, wherein the first
respondent has been shown as sole respondent.

3. It is averred in the petition that the petitioner has been arrayed as 5th accused in Calendar Case No.28 of 2012. Further it is averred in the petition that no prima facie materials are available so as to proceed further against him. Under such circumstances, present petition has been filed for getting the relief sought therein.

4. The court below, after considering the rival contentions raised on either side, has dismissed the petition filed in Crl.M.P.No.3721 of 2012 and against the dismissal order, the present Criminal Revision Case has been preferred at the instance of the petitioner as criminal revision petitioner.

5. The learned counsel appearing for the revision petitioner has fairly conceded that in Calendar Case No.28 of 2012, necessary charges have been framed against all the accused and on the side of the prosecution, P.W.1 has been examined in chief.

6. It is an admitted fact that Crl.M.P.No.3721 of 2012 has been filed under section 227 of the Code of Criminal Procedure, 1973. It is also equally an admitted fact that section 228 of the said Code deals with framing of charges. Since in Calendar Case No.28 of 2012, charges have been framed and on the side of the prosecution, P.W.1 has been examined in chief, it is needless to state that the petition filed under section 227 of the Code of Criminal Procedure, 1973 is not legally maintainable. Under the said circumstances, the order passed by the court below is liable to be confirmed. However, the petitioner is at liberty to invoke correct provision of law to ventilate his grievance. With the above observation, the Criminal Revision Case is liable to be dismissed.

In fine, this Criminal Revision Case is dismissed. The order passed in Crl.M.P.No.3721 of 2012 in C.C.No.28 of 2012 by the court below is confirmed. However, revision petitioner is at liberty to invoke the correct provision of law.

Sd/-

Assistant Registrar(CS-III)

True Copy

Sub Assistant Registrar

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To

1. XI Additional City Civil and Sessions Judge,
Chennai.

2. The Inspector of Police
CBI/SCB/Chennai

3. The General Manager & Chief Vigilance Officer
Vigilance Officer, Vigilance Wing
Head Office
No.112, J.C.Road, Bangalore 560 002

4. The Public Prosecutor,
High Court, Madras.

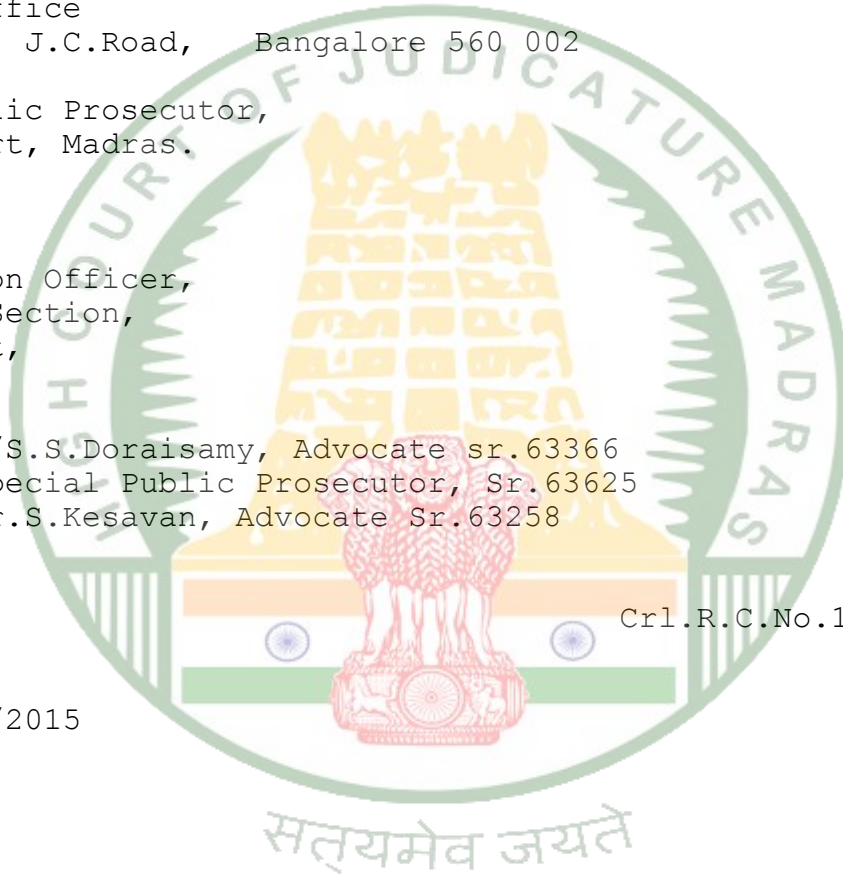
Copy to:

The Section Officer,
Criminal Section,
High Court,
Madras.

+1cc to M/S.S.Doraisamy, Advocate sr.63366
+1cc to special Public Prosecutor, Sr.63625
+1cc to Mr.S.Kesavan, Advocate Sr.63258

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srg 27/11/2015



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