

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

Criminal Revision Case No.210 of 2014

N.Shanmugam

... Petitioner

vs.

State rep. By
Deputy Superintendent of Police
CBI:EOW:Chennai

...Respondent

Criminal Revision Case filed under Section 397 and 401 of Code of Criminal Procedure, 1973 praying to call for the records in, on the file of XI Additional City Civil and Sessions Judge Crl.M.P.No.4559 of 2013 in C.C.No.7 of 2002 (CBI Cases) Chennai and set aside the order dated 8th January, 2014 passed therein.

For Petitioner : Mr.P.Krishnan

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

ORDER

This Criminal Revision Case has been directed against the order passed in Crl.M.P.No.4559 of 2013 in C.C.No.7 of 2002 by the XI Additional City Civil and Sessions Judge (CBI Cases), Chennai.

2. The Revision Petitioner as petitioner has filed Crl.M.P.No.4559 of 2013 on the file of the court below praying to recall P.Ws.1 to 28 for making further cross examination.

3. It is averred in the petition that the petitioner has been arrayed as Accused No.4 in C.C.No.7 of 2002.

4. On the side of the prosecution, all the witnesses have been examined and subsequently, charges have been altered and some of the accused have made cross examination. Under the said circumstances, the present petition has been filed for getting the relief sought for therein.

5. The court below, after considering the rival contentions put forth on either side has directed the petitioner to deposit huge amounts so as to recall P.Ws.1 to 28. Against the condition imposed by the court below, the present criminal revision case has been preferred at the instance of the petitioner as revision petitioner.

6. The learned counsel appearing for the revision petitioner has contended that the court below has imposed an onerous condition and the same cannot be complied with. Under the said circumstances, the present Criminal Revision Case has been filed.

7. The learned Special Public Prosecutor appearing for the respondent has contended that the revision petitioner can be directed to deposit the amount permissible under law for the purpose of recalling P.Ws.1 to 28.

8. It is seen from the order passed by the court below that the present petitioner and other petitioners have been directed to deposit huge amounts for the purpose of recalling P.Ws.1 to 28.

9. Considering the fact that the amounts fixed by the court below cannot be deposited, this Court is of the view to direct the Revision Petitioner/petitioner to deposit the amount permissible under law.

10. With the above observation, this Criminal Revision Case is liable to be allowed.

In fine, this Criminal Revision Case is allowed. The order passed in Crl.M.P.No.4559 of 2013 is modified as follows:-

"The Revision Petition/petitioner/accused No.4 is directed to deposit the amount permissible under law in the court below and the court below is directed to dispose of C.C.No.7 of 2002 as early as possible without giving frequent adjournments. "

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

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To :

1. The XI Additional Judge (CBI Cases)
City Civil Court, Chennai.

2. The Deputy Superintendent of Police
CBI:EOW:Chennai

3.The Special Public Prosecutor, (CBI Cases),
High, Court, Chennai.

+ 1 cc to Mr.P. Krishnan, Advocate SR.43905

Cr1.R.C.No.210 of 2014

KU(CO)
Eu 11.09.15



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