

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

Crl.OP No.15001 of 2011

& M.P.No.1 of 2011

A.Jayaprakash Shetty

.. Petitioner

Vs

State rep. by:

The Deputy Superintendent of Police,
Central Bureau of Investigation
CBI/ACB/Chennai

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned XI Additional City Civil and Sessions Judge (CBI cases relating to Banks and Financial Institutions), Chennai dated 21.1.2011 made in Crl.M.P.No.2264/2010 in C.C.No.19 of 2007 with regard to item No.1 & 2 mentioned in the Crl.M.P.No.2264 of 2010 petition.

For Petitioner :No appearance

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

ORDER

This Criminal Original Petition has been filed under section 482 of the Code of Criminal Procedure, 1973 praying to set aside the order passed in Crl.M.P.No.2264 of 2010 in Calendar Case NO.19 of 2007 by the XI Additional City Civil and Sessions Judge (CBI cases relating to Banks and Financial Institutions), Chennai.

2. It is stated in the petition that in Calendar Case No.198 of 2007, the petitioner has been shown as first accused. During pendency of the same, the petitioner has filed the petition in question in Crl.M.P.No.2264 of 2010 under section 91 of the Code of Criminal Procedure, 1973 praying to issue copies of documents mentioned therein. The court below after considering the rival contentions raised on either side has dismissed the same. Against the dismissal order, the present Criminal Original Petition has been filed.

3. Even though the present Criminal Original Petition has been posted today, the learned counsel appearing for the petitioner has not made his appearance.

4. The learned Special Public Prosecutor appearing for the respondent has meticulously drawn the attention of this Court to paragraph 8 of the impugned order passed by the court below, wherein it has been clinchingly stated that as per section 172 of the Code of Criminal Procedure, 1973, copy cannot be given to the petitioner in respect of first document mentioned in the petition. In respect of the second document, it is nothing but a confidential matter and the petitioner is not entitled to get a copy of the same. In fact, the court below has rightly rejected the request of the petitioner in respect of the first two documents mentioned in the petition and rightly allowed the petition in respect of third document. Therefore, viewing from any angle, there is no illegality or infirmity in the order passed by the court below and the present Criminal Original Petition deserves to be dismissed.

5. In fine, this Criminal Original Petition is dismissed and the order passed in CrI.M.P.No.2264 of 2010 in C.C.No.19 of 2007 by XI Additional City Civil and Sessions Judge (CBI cases relating to Banks and Financial Institutions), Chennai is confirmed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ajr

To

1.The XI Additional City Civil and Sessions Judge,
chennai,

2. The Deputy Superintendent of Police,
Central Bureau of Investigation
CBI/ACB/Chennai

3.The Public Prosecutor,
High Court, Madras.

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