

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.04.2015

CORAM

THE HON'BLE MR.JUSTICE P.DEVADASS

Criminal Revision Case No.310 of 2015
and
M.P.No.1 of 2015

Parthasarathi

.. Petitioner

vs.

The Inspector of Police,
CBI/ACB
Chennai (RC No.65(A/2008)

... Respondent

Criminal Revision against the order dated 07.01.2015 made in CrI.M.P.No.36 of 2015 in Spl.C.C.No.8 of 2010 on the file of learned Special Judge for CBI Cases/Principal Sessions Judge, Puducherry.

For petitioner : Mr.V.Gopinath
senior counsel
for
Mr.L.R.Ramalingam

For respondent : Mr.Bhasuran
Deputy Legal Advisor for CBI
South Zone, Chennai.

ORDER

A3 in Special C.C.No.8 of 2010 pending on the file of Special Judge, CBI Cases/Principal Sessions Judge, Pudhucherry, actually in this petition, seeks recalling of the NBW issued in pursuance of the impugned order passed in CrI.M.P.No.36 of 2015 on 07.01.2015.

2. This matter arises out of an alleged mark-scandal case pertaining to University in Union Territory of Pudhucherry. When the alleged occurrence took place, A3 was a student. Now he is employed in U.K.

3. He is fighting this case fairly for a long time availing of all the legal avenues available to him. Now everything is over. The stage is set for trial, but for not recording the plea of the petitioner, it could not proceed with further.

4. Plea of the co-accused were already recorded. Now because of non-recording of the plea with reference to A3, prosecution evidence could not be tendered.

5. Once A3 got the indulgence of the trial court and he has been directed to present in the Court on 07.01.2015. On that day, a learned counsel filed a petition under Section 317 Cr.P.C., seeking condonation of his absence on the ground that he is not well. It was dismissed by the Court, consequently, a petition filed by A3 under Section 205 Cr.P.C., also has been dismissed by the court without adjudication. The off-shoot was issuance of NBW against A3. Now that is being sought to be recalled.

6. We don't want to make any research into the past and waste the precious public time. Now the need of the hour is to enable the Court to proceed further with the trial of the case, to enable the prosecution to conduct the prosecution, to enable the accused to defend himself effectively.

7. The learned senior counsel appearing for the revision petitioner/A3 submits that A3/petitioner is ready to face the case and he is being defended by a learned counsel. There is no dispute that the accused has to present himself in the Court to make his plea with reference to the proposed charge, in view of his employment abroad, he seeks time till 05.06.2015 and during the entire May, the trial Court also will be closed for summer rests.

8. Mr.Bhasuran, Deputy Legal Advisor for CBI cases, Southern Zone, submitted that long rope has been given to the petitioner, he gave lot of trouble to the prosecution, he has engaged the prosecution in very many legal battles, some sort of definiteness is required, he should not again relapsed into his procrastinating attitude.

9. I have anxiously considered the rival submissions and perused the impugned order.

10. Now the trial has to be done, when especially plea has been recorded with reference to co-accused. Now the trial court could not proceed further for want of recording the plea of the accused and the accused also has given his own reasons for his non-appearance.

11. In the circumstances, ordered as under:-

(i) Petitioner/A3 shall appear before the learned Special Judge for CBI Cases / Principal Sessions Judge, Pudhucherry, on 04.06.2015 without fail.

(ii) Consequently, the trial Court is directed to recall the NBW issued as against the petitioner;

(iii) Petitioner is given liberty to file a petition under Section 205 Cr.P.C., and when such a petition is filed, the trial Court will dispose of it after giving opportunity to both sides according to law.

12. Accordingly, this Criminal Revision is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

1. The Special Judge /
Principal Sessions Judge
(CBI Cases), Puducherry.
2. The Inspector of Police, CBI/ACB,
Chennai.
3. Special Public Prosecutor
CBI Cases
High Court, Chennai.

Crl.Revision Case No.310 of 2015
and
M.P.No.1 of 2015

KM(CO)
Eu 05.05.2015

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