

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2015

Coram

The Honourable Mr. Justice B.RAJENDRAN

Crl. R.C.Nos.582, 608 & 609 of 2015
& M.P.Nos.1,1 and 1 of 2015

Dr.L.Thomas Acquinos

Bishop of Coimbatore and

President of the Coimbatore Diocese

Society

..Petitioner in all the Crl.Rcs.

vs.

1.State rep. by

The Inspector of Police,
CBCID, Coimbatore.

2.Fr.R.John Bosco

President of Sebastin Church

.. Respondents in all the Crl. R.Cs.

These Criminal Revision petitions have been filed under Sections 397 r/w 401 of Criminal Procedure Code to call for the records and set aside the order in Crl.R.C. Nos. 81, 83 and 82 of 2014 on the file of the learned First Additional District and Sessions Court, Coimbatore respectively.

For petitioner in : Mr. N.R.Elango, SC for
all the Crl.Rcs. : Mr.R.Vivekananthan

For respondent - 1 : Mr.V.Arul, GA (Crl.side)

For respondent - 2 : Mr.K.S.Karthik Raja

COMMON ORDER

These revisions are taken up together for final disposal.

2. The revision petitioner herein is the Bishop of Coimbatore (RC) Diocese Church. Petitioner had been arrayed as prosecution witnesses in C.C.Nos. 200, 201 and 202 of 2011 and was summoned to give evidence on 22.01.2014 at first. Since he

has got other works, he sent a letter to the Court below explaining his inability to attend the Court proceedings. Subsequently also summons were issued and he also sent further letters seeking dispensation of his appearance. Since repeated summons were sought to be issued, revision petitioner filed three miscellaneous petitions to dispense with his personal appearance and prayed for ordering a commission for his examination at his place. The petitioner also expressed his willingness to pay the necessary fees for appointing an Advocate Commissioner to record his evidence at his residence called 'Bishop's House'. The said miscellaneous petitions were rebutted by the second respondent by way of a counter.

3. After analysing the evidences, the Court below has dispensed with the appearance of the petitioner herein with costs. The said order was challenged by the second respondent in Crl.R.C.Nos.80, 81 and 82 of 2014 and the First Additional District and Sessions Court, Coimbatore had allowed those three revision petitions and directed the revision petitioner herein to be present before the Court on 10.06.2015 for giving evidence. Aggrieved over the aforesaid order, the Bishop, has filed the present Criminal Revision Petitions.

4. Heard the learned counsel for the petitioner; the learned Government Advocate (Crl.side) and the learned counsel for the second respondent.

5. Today, when the matter is taken up for hearing, learned counsel for the revision petitioner fairly submits that the revision petitioner is ready and willing to appear in Court in person and to co-operate with the Court proceedings. The only apprehension made by the revision petitioner is that since he is a 'Bishop' of Coimbatore R.C. Diocese, as a religious head of the Christian community, if he attends the Court proceeding, it may affect his security as well as may lead to some extra ordinary circumstances during the cross examination when large number of persons have assembled in the Court. To avoid such a situation he only requests some safeguards for him during the examination in Court.

6. In view of the aforesaid submission, in order to protect the revision petitioner and to manage the extra ordinary circumstances that may arise due to his appearance especially during cross examination before the Court as he is appearing in this Court to give evidence, I hereby direct the Court below to conduct the entire proceedings 'IN CAMERA'. The parties to the proceedings namely, revision petitioner and the first and second respondent along with their respective counsel alone may be allowed to participate in the proceedings. The Trial Court

shall not allow any third party at the time of recording the evidence of the examination of 'Bishop' only in each of the cases.

7. It is made clear that the aforesaid 'IN CAMERA' procedure shall be followed only in respect of the witness viz., 'Bishop' alone and for all the other witnesses, the normal Court procedure will be adopted in each of the case.

8. With the above observations, these Criminal Revision Petitions stands disposed of.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

smi

To

1. The First Additional District and Sessions Court, Coimbatore.

2. The Public Prosecutor, High Court, Madras.

+2 CC to MR.K.S.Karthik Raja Advocate. SR.NO.57892 & 58240

CrI. R.C.Nos.582, 608
& 609 of 2015

CO-VSN
JD 24/11/2015

सत्यमेव जयते

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