

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

Crl.R.C.No.761 of 2015
and M.P.Nos.1 and 2 of 2015

1.M/s.Maruvur Arasi Textiles India Pvt.Ltd.,
Rep. By its Managing Director
Karthikeyan
No.42, Kumaran Lay Out,
Udumalpet.

2.N.Karthikeyan
3.N.Raghupathy
4.N.Venkatraman

... Petitioners/
Accused 1 to 4

vs.

State rep. by
Inspector of Police,
CBI:SCB:Chennai

... Respondent/Complainant

Criminal R.C., filed under Section 397 and 401 of Criminal Procedure Code against the order dated 09.06.2015 made in Crl.M.P.No.803 of 2015 in C.C.No.8/2011 on the file of the 2nd Additional District Judge and (Special Judge for CBI Cases) Coimbatore.

For Petitioners :Mr.P.Muthukrishnan
For Respondent :Mr.K.Srinivasan,
Special Public Prosecutor (CBI)

ORDER

This Criminal Revision Case has been directed against the order passed in Crl.M.P.No.803 of 2015 in C.C.No.8 of 2011 by the II Additional District Court (Special Judge for C.B.I.Cases), Coimbatore.

2. The respondent herein as petitioner has filed Crl.M.P.No.803 of 2015 in C.C.No.8 of 2011 during the pendency of trial, trying to call for records mentioned therein and filed the same as additional documents.

3. The court below has allowed the same by way of imposing certain conditions. Against the order passed by the court below, the present Crl.R.C., has been preferred by accused 1 to 4.

4. The learned counsel appearing for the revision petitioners has vehemently contended that in C.C.No.8 of 2011, totally 22 witnesses have been examined on the side of the prosecution and in the said circumstances, the respondent/complainant has come forward with the petition and the court below without considering the objection raised on the side of the respondents therein/accused No.1 to 4, has erroneously allowed the petition and thereby the order passed by the court below has to be set aside.

5. Per contra, the learned Special Public Prosecutor(CBI) also equally contended that the petition in question has been filed only for marking certain additional documents and the court below after considering the diverging contentions raised on either side has rightly allowed the petition and therefore the same does not call for any interference.

6. It is seen from the records that the respondent as petitioner has filed the petition in question so as to call for the records mentioned therein for the purpose of marking certain additional documents. The only objection raised on the side of the respondents therein is that in C.C.No.8 of 2011, totally 22 witnesses have been examined and therefore, the present petition is not factually and legally maintainable. Further, it is stated on the side of the respondents therein that the petition in question has been filed very belatedly.

7. As pointed out earlier, the petition in question has been filed only to receive certain additional documents and for the purpose of marking the same. Considering the reason given in the petition, the court below has rightly allowed the petition and at the time of marking the proposed documents, the respondents/accused are having ample opportunity to cross-examine these documents which are going to be marked. Thereby, viewed by any angle, the order of the court below does not suffer from any illegality or irregularity. Therefore, the Criminal Revision Case deserves to be dismissed.

8. In fine, the CrI.R.C., is dismissed. Consequently, connected M.P.Nos.1 and 2 of 2015 are closed. The order passed in CrI.M.P.No.803 of 2015 in C.C.No.8 of 2011 is confirmed. However, the accused arrayed in C.C.No.8 of 2011 are entitled to make cross examination to the witnesses through whom additional documents are going to be marked.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

nvsri

To :

1.The Inspector of Police,
CBI:SCB:Chennai

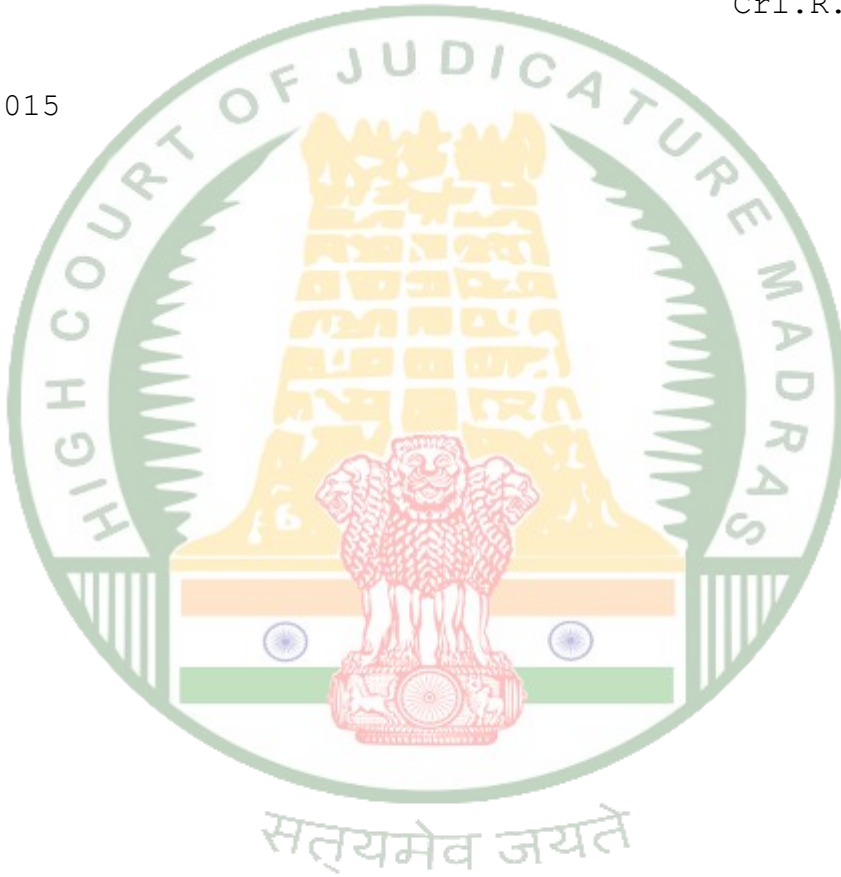
2.The 2nd Additional District Judge
and (Special Judge for CBI Cases) Coimbatore.

3.The Spl.Public Prosecutor for CBI Cases, High Court, Madras-104.

1 cc to Mr..P.Muthukrishnan , Advocate Sr.No.39877

Cr1.R.C.No.761 of 2015

rj(co)
pmk.18.8.2015



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