

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

Cr1.O.P No.2944 of 2011

& M.P.Nos.1 and 2 of 2011

V.R.Rengaraju

.. Petitioner

Vs.

The Inspector of Police
Special Investigation Cell
Director of Vigilance and
Anti Corruption, Chennai

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the C.C.No.34 of 2010 pending on the file of IV Additional Sessions Judge, Chennai and quash the same.

For Petitioner : No appearance

For Respondent : Mr.P.Govindarajan
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed under section 482 of Code of Criminal Procedure, 1973 praying to call for records relating to Calendar Case No.34 of 2010 pending on the file of IV Additional Sessions Judge, Chennai.

2. It is averred in the petition that the petitioner has been shown as sole accused in Calendar Case No.34 of 2010, wherein, he has been charged under sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. Further it is averred in the petition that the petitioner is an innocent person and he has no connection whatsoever with the alleged offences and the respondent has falsely implicated him in Crime No.41 of 2009. Under the said circumstances, present petition has been filed for getting the relief sought therein.

3. Even though present Criminal Original Petition has been posted today finally, learned counsel appearing for the petitioner has not made his appearance. Even in earlier hearing also, he failed to make his appearance. Therefore, present Criminal Original Petition is disposed of, on merits, on the basis of the contentions put forth on the side of the respondent.

4. The learned Additional Public Prosecutor has represented that initially the case against the petitioner has been taken on file in Calendar Case No.34 of 2010 on the file of IV Additional Sessions Judge, Chennai and subsequently transferred to the Special Court for Prevention of Corruption Act cases, Chennai and taken on file in Calendar Case No.14 of 2011, wherein on the side of the prosecution, P.Ws.1 to 9 have been examined and exhibits P.1 to P.13 have been marked. Hence, it is not feasible to quash the proceeding, which is pending against the petitioner.

5. On the basis of the representation made on the side of the respondent, this Court has perused the entire Case Diary relating to Calendar case No.14 of 2011, wherein it is stated that Calendar Case No.34 of 2010 originally pending on the file of IV Additional Sessions Judge, Chennai has been subsequently transferred to the trial court and taken on file in C.C.No.14 of 2011. Further, it is learnt that in Calendar Case No.14 of 2011, P.Ws.1 to 9 have been examined and exhibits P.1 to P.13 have been marked. Therefore, it is quite clear that case against the petitioner is in the stage of part-heard.

6. Considering the fact that the case against the petitioner is in the stage of part-heard, wherein most of the prosecution witnesses have been examined, it is not feasible to quash the proceeding. Under the said circumstances, the relief sought for in the present petition cannot be granted.

In fine, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.
Ajr

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

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To

1. The Special Court for
Prevention of Corruption Act cases,
Chennai
2. The IV Additional Sessions Judge,
Chennai - 600 002
3. The Inspector of Police
Special Investigation Cell
Director of Vigilance
and Anti Corruption, Chennai
4. The Public Prosecutor,
High Court, Madras.

+1 C.C. To The Public Prosecutor, in SR.NO.55275

CrI.O.P No.2944 of 2011

SK(CO)
sd : 14/10/2015



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