

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

Crl.O.P No.23486 of 2010
& M.P.No.1 of 2010

Philip Mathew

... Petitioner

Vs.

State of Tamil Nadu
Rep.by Inspector of Police
CBI-ACB, Chennai

.... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.8 of 2010 on the file of Special Judge for CBI Case, Coimbatore and quash the same.

For Petitioner : Mr.N.Chandrasekaran

For Respondent : Mr.K.Srinivasan,
Special 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.8 of 2010 pending on the file of Special Judge for CBI Case, Coimbatore and quash the same insofar as the petitioner/accused No.3 is concerned.

2. It is averred in the petition that the respondent, after conducting investigation, has laid a final report against the petitioner and others and the same has been taken on file in Calendar Case No.8 of 2010 under section 120-B r/w 420, 409, 468, 471, 477-A of Indian Penal Code and also under section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. Further, it is averred in the petition that the petitioner/3rd accused has had no connection whatsoever with the offences alleged to have been committed by other accused. The respondent has falsely implicated the petitioner/3rd accused in C.C.No.8 of 2010. Under such circumstances, present petition has been filed for getting the relief sought therein.

3. The learned counsel appearing for the petitioner has sparingly contended that the specific case of the prosecution is that the petitioner/3rd accused has issued Cheque No.685760 in favour of Grace Hill Tea Factory, but in fact the same has not been issued by the petitioner/3rd accused and further, the concerned cheque has been given by Contemporary Target Limited. Under such circumstances, implication of the petitioner/3rd accused in Calendar Case No.8 of 2010 is totally erroneous and therefore, present petition has been filed with the aforesaid prayer.

4. Per contra, the learned Special Public Prosecutor has contended that the petitioner/3rd accused has issued the cheque in question and under such circumstances, he has been implicated in Calendar Case No.8 of 2010.

5. On the basis of the rival submissions made on either side, the court has to look into as to whether the cheque in question has been issued by the petitioner/3rd accused.

6. In the final report, it has been stated to the effect that the Cheque No.685760 dated 14.5.2002 for a sum of Rs.10 Lakhs has been issued by the petitioner/3rd accused, but this Court has verified the concerned cheque and ultimately found that the same has been issued by Contemporary Target Limited in favour of M/s.Grace Hill Tea Factory.

7. On the side of the respondent, no document has been filed so as to prove that the petitioner/3rd accused has had connection either with Grace Hill Tea Factory or Contemporary Target Limited and therefore, the Court can very well come to a conclusion that the petitioner/3rd accused has been unnecessarily implicated in C.C.No.8 of 2010 and therefore reliefs sought in the present petition can be granted.

In fine, this Criminal Original Petition is allowed and the proceeding in C.C.No.8 of 2010 pending on the file of Special Judge for CBI Cases, Coimbatore is quashed insofar as the petitioner is concerned. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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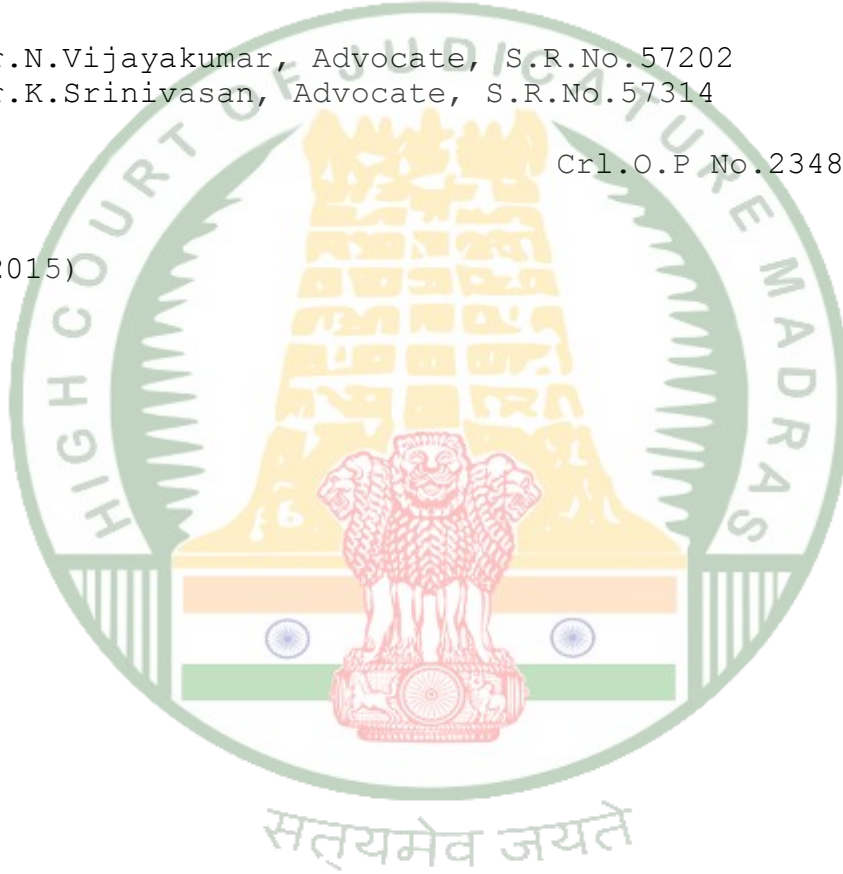
To

1. The Special Judge for CBI Cases,
Coimbatore
2. The Inspector of Police
CBI: ACB : Chennai
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Vijayakumar, Advocate, S.R.No.57202
+1cc to Mr.K.Srinivasan, Advocate, S.R.No.57314

Cr1.O.P No.23486 of 2010

CA(CO)
CA(30/10/2015)



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