

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE P.DEVADASS

Crl.O.P.No.18477 of 2010

A.V.Shanmugasundaram

.. Petitioner (Accused)

vs.

State By:-

Deputy Superintendent of Police,
CBI/BS & FC,
Bangalore.

.. Respondent (Complainant)

Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned Principal Special Judge for CBI Cases, Chennai in Crl.M.P.No.2390 of 2010 dated 9.6.2010 in C.C.No.56 of 2000 and to direct the Indian Bank Central Office Vigilance Department, 66, Rajaji Salai, Chennai-1 to produce the documents.

For Petitioner : Mr.C.S.Pillai

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases.

O R D E R

This is a petition by A-1 to challenge the dismissal of his petition under Section 91 Cr.P.C.

2. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for CBI Cases.

3. Petitioner is A-1 in the 'Indian Bank Scam Case'. This is one of the oldest pending case in the Trial Court. Prosecution evidence is over. Now the case is in defence stage.

4. In the Trial Court, A-1 filed Crl.M.P.No.2390 of 2010 to send for a file relating to departmental enquiry initiated as against him by the Central Vigilance Commission. The Trial Court not acceded to the request since the petitioner has not demonstrated its relevancy.

5. According to the learned counsel for the petitioner, the said document is necessary for his defence.

6. Prosecution filed its counter.

7. The learned Special Public Prosecutor, CBI submitted that such a document is not relevant here and it is an attempt to protract this long pending case.

8. I have anxiously considered the rival submissions, perused the impugned order.

9. Basically, departmental proceedings and criminal proceedings are totally different. In criminal proceedings, the accused has been tried for charges and the Court has to see whether prosecution has established those charges as against the accused. However, in departmental proceedings, the misconduct alleged has been enquired into see infraction of Service Rules, Conduct Rules etc. Thus, the Trial Court having found no relevancy rejected the send for petition.

10. In the circumstances, the impugned order does not suffer from any illegality. It does not call for any interference. However, it is always open to the petitioner to produce his documents under Section 314 Cr.P.C., at the appropriate stage of the case.

11. With the said observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Svn
To

1.The Principal Special Judge for CBI Cases, City Civil Court, Chennai.

2.The Special Public Prosecutor, CBI Cases, High Court, Madras.

3.The Deputy Superintendent of Police,
CBI/BS & FC,
Bangalore.

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