

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.1566 of 2017

and

Crl.R.C.No.1567 of 2017

in

Crl.M.P.No.15800 of 2017

1. N.Raveendranadha Reddy .. Petitioner in Crl.R.C.No.1566 of 2017
2. T.D.Naidu .. Petitioner in Crl.R.C.No.1567 of 2017

Vs.

State rep.by
The Additional Superintendent of Police,
CBI:BS & FC,
Bangalore,
Crime No.RC-3(E)/2012 ... Respondent in both Crl.R.Cs.

सत्यमेव जयते

Common Prayer : Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in C.C.No.7 of 2017 on the file of the learned Principle Sessions Judge, Chennai, and set aside the order in Crl.M.P.No.10013 of 2017 and Crl.M.P.No.10012 of 2017 respectively, dated 05.12.2017.

For Petitioners : Mr.N.R.Elango
 Senior Counsel for Mr.Aruna Elango
 [in Crl.R.C.No.1566 of 2017]

 Mr.A.Saravanan
 [in Crl.R.C.No.1567 of 2017]

For Respondent : Mr.K.Srinivasan
 Special Public Prosecutor (CBI Cases)
 [in both the Crl.R.Cs]

COMMON ORDER

The petitioners are A1 and A2 in C.C.No.7 of 2017 and old C.C.No.48 of 2013 on the file of X1 Additional Special Judge (CBI Cases) pending of the file of the learned Principal Sessions Judge, Chennai.

2. The discharge petition filed by the them under Section 239 of Cr.P.C., was dismissed for non prosecution by the trial Court, after giving adequate opportunity to them. The docket order reveals that the petitions which was filed in the year 2014 and 2015 respectively were pending for more than two years due to various reasons, later file has been transferred to the learned Principal Sessions Court from the Special Court for CBI. The records were received by the learned Princiapl Sessions Court on 06.07.2017. Thereafter, the enquiry in these two petitions has been adjourned for

nearly 23 hearings. The last 3 hearings of this case, the Presiding Officer has made a specific order saying "last chance, no further adjournment". However, when the petition is taken up for hearing on 05.12.2017, the counsel were not ready for enquiry. Hence, Presiding Officer had dismissed the petition.

3. The learned counsel appearing for the revision petitioner herein submits that if one chance is given for argument, they will appear before the trial Court without fail and put forth their submissions, they will not cause any further delay. They further submit that they will pay cost to Legal Service Authority for causing inconvenience to the Court.

4. Recording the same, the order passed by the trial Court on 05.12.2017 in Cr.M.P.Nos.10012 of 2017 and 10013 of 2017 is hereby set aside and the matter is remanded back to the trial Court for hearing on 02.01.2018, with the following conditions:-

i) The petitioners shall pay a sum of Rs.1,000/- (Rupees one thousand only) each to the District Legal Service Authority on or before 15.12.2017;

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ii) file a memo before the Learned Principal Sessions Court to that effect;

iii) make their submission orally or in writing on 02.01.2018.

5. On complying the above conditions, the trial Court shall hear the petition on 02.01.2018 and pass appropriate order.

6. With the above directions, the criminal revision stands allowed.

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Index: Yes/No

Issue order copy by 13.12.2017

To

1. The Additional Superintendent of Police,
CBI:BS & FC,
Bangalore.
2. The Public Prosecutor,
High Court, Madras.

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