

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.15479 of 2017

IN CRL A.691/2015

PRIYANATHMISRA

[PETITIONER]

Vs

THE ADDITIONAL SUPERINTENDENT
OF POLICE, CBI/ACB/CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to permit the petitioner to take additional evidence pending disposal of the above CRL A.691/2015.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.SELVI GEORGE, Advocate for the petitioner and of MR.K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

It is the case of the appeal arising out of investigation of disproportionate assets by public servant. The prosecution has been set in motion based on the FIR registered on 29.01.2010 and on completion of investigation, charge against the appellant was framed and witness were examined. He was found guilty by the trial Court on 13.10.2015, aggrieved by that appeal has been preferred by the appellant and same is pending for the past two years.

2. Now when the matter is posted for final hearing, and the appellant/accused has filed a petition under Section 391(1) of Code of Criminal Procedure to permit him to take additional evidence. The affidavit filed along with this petition indicates that he has been advised to file the present petition to seek further evidence in continuation of the original proceedings to examine Chartered Accountant who can speak about Income Tax during the assessment year. If he is not permitted to take further evidence to prove his case it would cause great prejudice.

3. A perusal of the case record indicates that after framing of charge and examining the prosecution witness, opportunity to let in evidence for defence had been given to the appellant herein and on his side, he has examined three witness and marked 9 exhibits. While so, the present petition is file to let in additional evidence and examine independent witness, even without naming the person whom he

wants to examine and the documents which he wants to rely upon. It clearly indicates that the appellant wants to manoeuvre the legal proceedings. Apart from Section 243 Cr.P.C., the Prevention of Corruption Act also place certain embargo against the accused person regarding manner and time, how the request of evidence for defence can be let in. The present attempt made by the appellant does not come nowhere near the mandate of Section 22 of the Prevention of Corruption Act.

4. Therefore, this Court is not inclined to entertain this petition. Hence, the Crl.M.P., stands dismissed.

5 . List the Criminal Appeal for final disposal in the first week of January 2018.

-sd/-
11/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL SUPERINTENDENT
OF POLICE, CBI/ACB/CHENNAI.

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

C.C. to M/S.SELVI GEORGE Advocate on payment of necessary charges

Order
in
CRL MP.15479/2017
in
CRL A.691/2015
Date :11/12/2017

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MLT-20/12/2017