

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.757 of 2016

and

Crl.M.P.Nos.5725 and 5726 of 2016

S.Kumar

... Petitioner/A-3

Vs.

The Inspector of Police,  
SPE,CBI/ACB/Chennai  
(RC MA 12011 A0046)

... Respondent/Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w. Section 401 of the Criminal Procedure Code to set aside the order dated 01.04.2016 in Crl.M.P.No.4380 of 2015 in C.C.No.22 of 2013 on the file of the Learned XI Additional Special Court for CBI Cases at Chennai and allow the petition discharging the petitioner herein.

For Petitioners:Mr.Prakash Goklaney

For Respondent :Mr.K.Srinivasan

Special Public Prosecutor for CBI.

O R D E R

This criminal Revision Case has been filed to set aside the order dated 01.04.2016 in Crl.M.P.No.4380 of 2015 in C.C.No.22 of 2013 on the file of the Learned XI Additional Special Court for CBI Cases at Chennai.

2. This petition is filed by the petitioner challenging the order passed by the Trial Court in Crl.M.P.No.4380 of 2015 in C.C.No.22 of 2013 order dated 01.04.2016. The Petitioner herein filed discharge application before the Trial Court, after considering all the facts and circumstances the Trial Court dismissed the discharge application holding that there is prima facie materials are available to proceed further and dismissed the application filed by the petitioner.

3. Aggrieved against the said order dated 01.04.2016, the revision petitioner is before this court by way of present revision petition.

4. When the matter came up for hearing on friday i.e., (07.07.2017), the learned Special Public Prosecutor would submit that after passing of the order, the Trial Court framed the charges and prosecution evidence were also commenced, and sought time to get instructions from the Trial Court about the stage of the case.

5. The learned counsel for the petitioner also sought time for getting instructions from his client.

6. When the matter came up today the learned Special Public Prosecutor submitted that charges were framed on 28.06.2016 in C.C.No.22 of 2013 and the Trial was also commenced, so far, 10 witnesses have been examined. On perusal of the records, this revision petition is pending before this court from 2016. During pendency of this revision since there is no stay, the Trial Court framed charge and prosecution evidence was also commenced on 20.09.2016, out of 25 witnesses cited by the prosecution in charge sheet, as on 06.04.2017, so far, 10 witnesses have been examined.

7. Subsequent to the order of the Trial Court, charges were framed and commenced the trial and evidence is also in progress. Therefore, nothing survives in this Criminal Revision.

8. Accordingly, this Criminal Revision petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते  
Assistant Registrar(CS V)

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Sub Assistant Registrar

dsa/dpq

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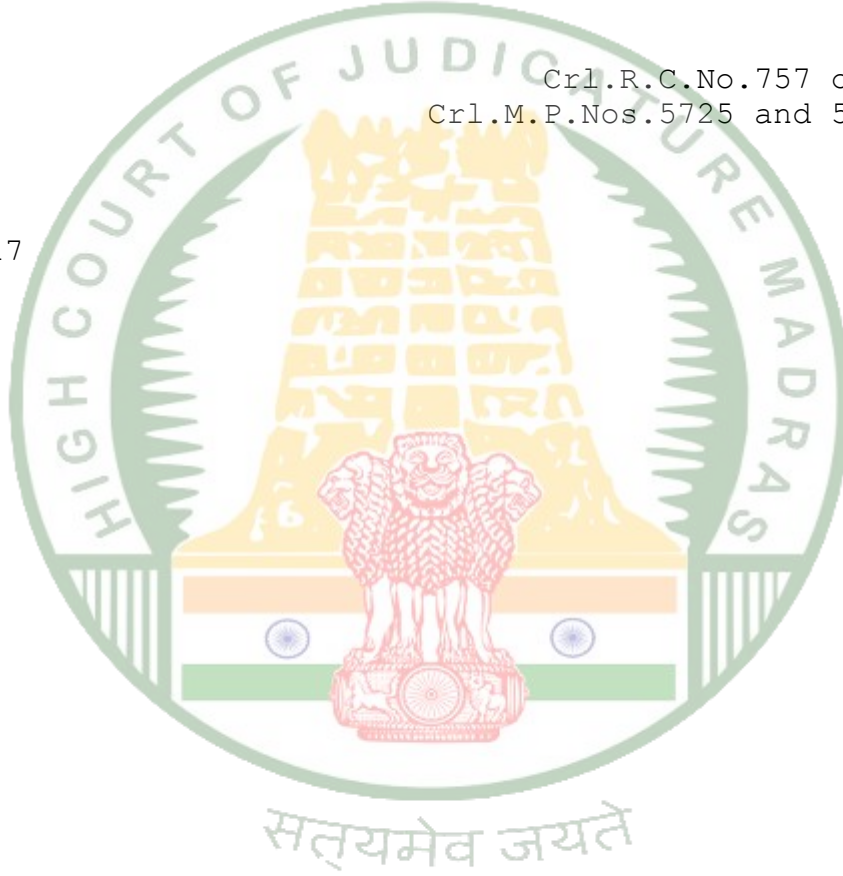
To

1. The Inspector of Police,  
SPE,CBI/ACB/Chennai  
(RC MA 12011 A0046)

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

CrI.R.C.No.757 of 2016 and  
CrI.M.P.Nos.5725 and 5726 of 2016

EU 29.07.17



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