

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.762 of 2016

and

Crl.M.P.Nos.5735 and 5736 of 2016

1.S.Kumar

... Petitioner/3rd Accused

Vs.

The Inspector of Police,
SPE/CBI/ACB
Chennai.
(RCMA 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 09.03.2016 in Crl.M.P.No.4391 of 2015 in C.C.No.21 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 09.03.2016 in Crl.M.P.No.4391 of 2015 in C.C.No.21 of 2013 on the file of the Learned XI Additional Special Court for CBI Cases at Chennai.

2. This petition is filed by the petitioners challenging the order passed by the Trial Court in Crl.M.P.No.4391 of 2015 in C.C.No.21 of 2013 order dated 09.03.2016. The Petitioners herein filed discharge application before the Trial Court, after considering all the facts and circumstance 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 petitioners.

3. Aggrieved against the said order dated 09.03.2016, the revision petitioners are 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 petitioners also sought time for getting instructions from his clients.

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.21 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 39 witnesses cited by the prosecution in charge sheet, as far as on 06.04.2017 only 10 witnesses were examined.

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

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

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

dsa/dpq
To

The Inspector of Police,
SPE/CBI/ACB
Chennai., (RCMA 12011 AOO46)

Crl.R.C.No.762 of 2016 and
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SP(31/07/2017)