

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C.No.1237 OF 2017

State represented by
Inspector of Police,
CBI, ACB, Chennai

..Petitioner

vs.

1. P.Nagarajan
2. A.Syed Mohammed
3. Malliga Banu
4. Khateeja Beevi

..Respondents

Prayer:- Criminal Revision Petition is filed under Section 397 & 401 Cr.P.C., praying to call for the records pertaining to the order dated 28.12.2016 passed in CrI.M.P.No.5026/2016 in C.C.No.15 of 2007 on the file of the XII Additional Special Judge for CBI Cases, Chennai, examine the correctness, legality or propriety of the findings made in the impugned order and set aside the same.

For Petitioner

: Mr.K.Srinivasan

For Respondents

: No Appearance-R1,2 and 4
R3 - Unserved

ORDER

This criminal revision petition has been filed against the order passed by the learned XII Additional Special Judge for CBI Cases, Chennai in CrI.M.P.No.5026/2016 in C.C.No.15 of 2007, dated 28.12.2016.

2. Heard the learned counsel appearing for the petitioner. Though notice was served to respondents 1,2 and 4, they have not chosen to appear before this Court either in person or through their counsel. Insofar as the third respondent is concerned, notice was unserved.

3. Considering the facts of the case, this Court is of the opinion that this revision petition need not be kept pending on file any further, in view of the judgment of the Hon'ble Supreme Court rendered in [***Central Bureau of Investigation v. M.Sivamani, dated 01.08.2017***] arising out of the very same case in C.C.No.15 of 2007, in which the co-accused was also discharged by the High Court on the ground that the Court cannot take cognizance in the absence of written complaint as mandated under Section 195 (i)(a) of Cr.P.C.

4. However, now, the Hon'ble Supreme Court has clarified the position that the case having been registered as per the direction of the High Court and the CBI has taken up the investigation, in view of the rampant abuse of the Motor Accident Claims Tribunal jurisdiction by some of the unscrupulous litigants and stake holders, Section 195 (i)(a) of Cr.P.C. does not apply. The Hon'ble Supreme Court has categorically held that when the case is registered by the CBI at the instance or direction of the High Court, the said direction of the High Court is at par with the direction of an

administrative superior public servant to file a complaint in writing in terms of the statutory requirement.

5. In view of the binding precedent of the Hon'ble Supreme Court in the very same subject matter, this court has no hesitation to allow this revision petition. Accordingly, this revision petition is allowed. The trial court is directed to adhere to the direction given by the Hon'ble Supreme Court regarding the disposal of the case within the time prescribed in the said order.

15.09.2017

Speaking / Non-speaking order

Index : Yes/No

Internet : Yes/No

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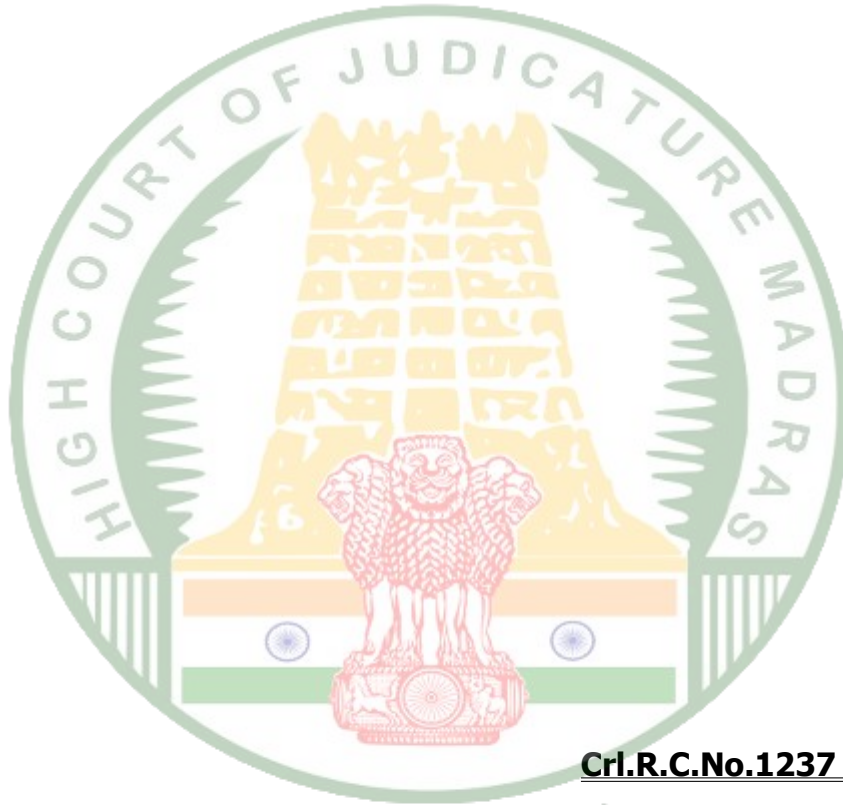
To

1. The XII Additional Special Judge
for CBI Cases, Chennai
2. The Special Public Prosecutor for CBI Cases
High Court, Madras.

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Dr.G.Jayachandran,J.

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