



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.222 of 2014

Durai Karuppaiah

: Petitioner/Accused No.9

-Vs-

The State represented by
The Inspector of Police,
CBI/ACB,
Chennai.

(F.I.R.No.RC MA1 2010-A-0008)

: Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, as against the order passed by the learned II Additional District Judge for CBI Cases, Madurai in Cr.M.P.No.400 of 2013 in C.C.No.9 of 2012 vide his order dated 05.03.2014 wherein the relief sought for by the petitioner with regard to discharge from the accusation.

For Petitioner : Mr.R.Anand

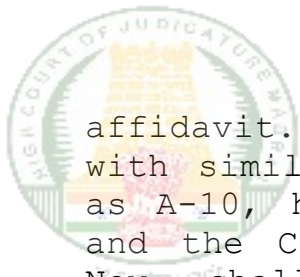
For Respondent : Mr.S.Jayakumar,
Special Public Prosecutor for CBI Cases

ORDER

Challenging the order of dismissal, of the petitioner's application to discharge the charges, the present Revision Case has been filed by the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner herein was arrayed as A-9 in C.C.No.9 of 2012 on the file of the learned II Additional District Judge for CBI Cases, Madurai Branch. The petitioner has been stood charged for an offence under Section 120B r/w 415, 420, 468, 471, and 201 IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

3. It is submitted that the petitioner is an practicing Advocate and also a Notary Public with registration No.361/81. A-14 to A-34, in this case, were filed an application for the purpose of obtaining passport by producing false residential certificate and affidavit before the Regional Passport Officer, Madurai. The Petitioner said to have attested in the above said



affidavit. Hence, he committed the offence. The petitioner along with similarly placed Advocate and Notary Public, who is arrayed as A-10, has filed a petition to discharge him from the charges and the Court below by common order dismissed the application. Now, challenging the same the present Revision case has been filed.

4. Earlier, the similarly placed accused A-10, another Notary Advocate, filed a Revision case before this Court in CrI.R.C.No.208 of 2014 and this Court by an order dated 16.09.2014 allowed the Revision and discharged him from the charges. Challenging the above order of the CBI:ACB : Chennai, also filed S.L.P. before the Hon'ble Supreme Court in S.L.P.No.12336 of 2015. The Hon'ble Supreme Court was also pleased to dismiss the same by an order dated 07.08.2015. The petitioner is also a similarly placed person he is also entitled to discharge. The learned Counsel appearing for the respondent also submitted that the above said Revision the co-accused (A-10) has been discharged and the above order was also confirmed by this Court.

5. Considering the fact that the similarly placed accused has already been discharged from the charges, the benefit of this Court can also be extended to the petitioner and in the above circumstances the Revision is allowed and the petitioner is discharged from the Criminal Charges as directed by the Hon'ble Supreme Court.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The II Additional District Judge for CBI Cases,
Madurai.
2. The Inspector of Police,
CBI/ACB,
Chennai.
3. The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.R.Anand, Advocate, SR.No.68766

TA

RL/5C/2P/SKN/RK/SAR1/8/9/2017