



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

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Crl.R.C (MD) No.568 of 2017

State rep.by
The Public Prosecutor,
High Court,
Madras - 600 104
(V & AC., Sivagangai,
Crime No.5/01)

.. Petitioner

Vs.

Ibrahim Musthafa

.. Respondent

Petition filed under Sections 397 read with 401 Cr.P.C, to set aside the discharge order dated 04.05.2015 passed in Cr.M.P.No.122 of 2014 in C.C.No.35 of 2014 by the Special Court for the Cases under Prevention of Corruption Act at Sivagangai.

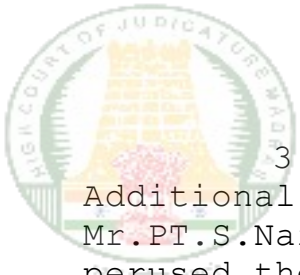
For Petitioner : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

For Respondent : Mr.P.T.S.Narendravasan

ORDER

This Criminal Revision Case has been filed by the State against the order, discharging the respondent/A1 from the offences under Sections 120(b) r/w 409, 420, 468, 471 and r/w 477(A) and 13 (2) r/w 13(1)(1)(c) of Prevention of Corruption Act, 1988.

2.The respondent herein is the first accused in C.C.No.35 of 2014 and he stood charged for the offences mentioned supra. Earlier, the second accused has filed a petition praying to discharge him from the proceedings in C.C.No.35 of 2014. The trial Court has dismissed the application by the order dated 26.03.2013. Challenging the said order, the second accused has preferred Crl.R.C(MD)No.431 of 2013 on the file of this Court. This Court, by the order dated 27.06.2014, allowed the revision and discharged the second accused from the proceedings. Thereafter, the respondent herein/A1 has filed a petition before the Court below to discharge him from the proceedings. The trial Court, following the orders passed by this Court in the said Revision, discharged the respondent herein/A1 from the charges levelled against him. Challenging the same, the present Criminal Revision Case has been



3.I have heard Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor for the petitioner and Mr.PT.S.Narendravasan, learned counsel for the respondent and perused the materials carefully.

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4.The learned Additional Public Prosecutor for the petitioner submitted that even though the discharge petition filed by the second accused is allowed by this Court, the present respondent/A1 stands on different footing and therefore, the order passed by the Court below is liable to be set aside.

5.The learned counsel for the respondent submitted that already the second accused has been discharged from the criminal charges as per the orders passed by this Court. The Court below, after considering the fact that the respondent herein/A1 is also a similarly placed person like that of the other accused, discharged him from the proceedings and therefore, there is no infirmity in the order passed by the court below.

6.I have carefully considered the submissions made on either side and gone through the available records.

7.It is seen from the records that this Court has already discharged the second accused from the criminal charges. The Court below, has elaborately dealt with the issue and ultimately discharged the respondent herein, since he is also a similarly placed person like that of the other accused. In the above circumstances, I find no illegality or irregularity in the order passed by the Court below. Hence, this Criminal Revision Case is liable to be dismissed.

8.In fine, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1.The Special Court for the Cases under Prevention of Corruption Act at Sivagangai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.T.S.Narendravasan, Advocate, SR.66295

Cr1.R.C (MD) No.568 of 2017

19.07.2017