

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.10424 OF 2017

ORDER:

When the learned II-Additional Special Judge for CBI Cases, Visakhapatnam, by his order dated 12.10.2017, in Criminal M.P. No.1623 of 2017 in C.C. No.14 of 2010, filed under Section 243 (2) of the Criminal Procedure Code, 1973 (for short, 'the Code') read with Section 22 of Prevention of Corruption Act, 1988, seeking to issue summons to the Branch Manager, Central Bank of India, Raja Ram Mohan Roy Road, Kakinada, to cause production of the file relating to DRT proceedings vide O.A. No.9 of 2016, filed by the Central Bank against M/s. Kirlampudi Sugar Mills Limited, including recovery proceedings vide R.P. 14/2009, together with correspondence available in the said file, dismissed his application, the petitioner/Accused No.2 filed the present petition under Section 482 of the Code.

2. The learned Special Judge having noted the request and arguments advanced by the learned counsel for either side, formulated the point for consideration and extracting the provisions of Section 243 (2) of the Code, referred to the offence lodged against the petitioner and observing that the powers of the Court being discretionary and great care and caution to be used or exercised while exercising powers, opined that the purpose for which the file is sought to be produced, since not mentioned, rejected the request.

3. It is true, what has been observed by the learned Special Judge is correct for the reason the petition is bereft of relevant details and, more particularly, relevancy of the file to rebut either presumption or in disproof of the charge levelled against him. Therefore, the order passed by the learned Special Judge does not warrant interference at all.

4. A request is made by the learned counsel for the petitioner that the petitioner may be given an opportunity to invoke the provisions of Section 294 of the Code. Of course, the learned Special Public Prosecutor for CBI does not object to it.

5. Hence, opportunity is given to the petitioner to invoke provisions of Section 294 of the Code.

6. Accordingly, the present Criminal Petition is dismissed giving liberty as indicated in the above.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

Dt. 31.10.2017
gbs

A. SHANKAR NARAYANA, J