

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2018
CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C. No.1039 of 2018

Annal

... Petitioner/A6

Vs

State represented by:

The Inspector of Police,
CBI, (Anti-Corruption Branch),
Chennai.

...Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure prayed by the petitioner/proposed accused that this Court may revise the dismissal order of the lower court in Crl.M.P.No.3520 of 2018 in C.C.No.6 of 2018 on the file of the learned XIV Additional Judge for CBI cases for the reasons stated afore and discharge the petitioner revising the order of the lower court.

For Petitioner : Mr. L.Infant Dinesh

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor for CBI Cases

O R D E R

This Criminal Revision Case has been filed by the petitioner/ A-6 against the order passed by the learned XIV Additional Judge (CBI Cases), Chennai-600104, dated 20.07.2018 in Crl.M.P.No.3520 of 2018 in C.C.No.6 of 2018.

2. The learned counsel appearing for the petitioner/A-6 would submit that the petitioner is arrayed as A6 in this case. He would further submit that the petitioner/A-6 has been charge sheeted for the offence under Section 109 of IPC r/w Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988. The learned counsel for the petitioner/A-6 without adverting to the merits of the present revision would submit that the discharge petition had been posted on 20.07.2018, whereas, the petitioner/A-6 and the counsel had wrongly construed the date as 27.07.2018 instead of 20.07.2018 and the learned trial Judge holding that the petitioner was not present, issued Non Bailable Warrant and dismissed the petition for discharge by passing a cryptic order, without going into the merits of the case. He would further submit that thereafter, the petitioner filed a petition for restoration and it had not been accepted by the learned XIV Additional Judge (CBI Cases), Chennai, stating that there was no provision to restore the order of dismissal.

3. The learned Special Public Prosecutor for CBI would submit that the counter had been filed on 15.07.2018 and he would further submit that the petition for discharge had been dismissed for default due to the non appearance of the petitioner and would submit that a specific date may be fixed before the Trial Court for arguing the discharge petition on merit.

4. I have consciously gone through the order. A cryptic order has been passed by the learned trial Judge, holding that the petitioner/A-6 was absent on the date of hearing. The dismissal order has not been passed on merits. Therefore, the order passed by the learned trial Judge is hereby set aside.

5. Taking into consideration the submissions made by the learned counsel on either side, the order passed by the learned XIV Additional Special Judge (CBI Cases), Chennai, in CrI.M.P.No.3520 of 2018 in C.C.No.6 of 2018 is set aside. The trial Court is directed to take the discharge petition on file and hear the counsel on either side and pass appropriate orders, on merits within a period of three weeks from the date of receipt of a copy of this order.

6. With the above directions, the Criminal Revision Case is disposed of.

msm

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The XIV Additional Judge (CBI cases)
Chennai.
2. The XIV Additional Judge (CBI Cases), Chennai - 600 104.
3. The Special Public Prosecutor for CBI Cases,
High Court of Madras.

+1cc to M/s.L.Infant Dinesh, Advocate SR.NO.64006

RSI(CO)
sm:5.10.2018

CrI.R.C.No.1039 of 2018