

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2018

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.RC.No.609 of 2018

and CrI.M.P.No.7072 of 2018

R.Marimuthu .. Petitioner/Petitioner/8th Accused
Vs

Union of India,
Rep. by the Inspector of Police,
CBI/ACB/Chennai. ... Respondent/Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to set aside the order passed in M.P.No.1098 of 2018 in C.C.No.8 of 2002 by its order dated 10.05.2018 passed by the learned XI Additional Special Court CBI Cases at Chennai so far as the time limit fixed by the Trial Court and to extend the time limit as fixed by this Court and allow the revision and pass further orders.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.M.V.Dinaker,
Special Public Prosecutor
for CBI Cases

O R D E R

This Criminal Original Petition has been filed to set aside the order passed in M.P.No.1098 of 2018 in C.C.No.8 of 2002 by its order dated 10.05.2018 by the learned XI Additional Special Court CBI Cases at Chennai so far as the time limit fixed by the Trial Court and to extend the time limit as fixed by this Court.

2. Heard both sides. Perused the materials available on record.

3. It is the contention of the learned counsel for the revision petitioner that the Trial Court has not considered the application filed under Section 232 of Criminal Procedure Code and the case is pending for more than 16 years.

4. Though the accused was granted time to examine the defence witnesses, the accused has not availed the opportunity instead filed this revision challenging the order on the ground that the Trial Court has not considered his petition under Section 232 of Cr.P.C.

5. It is to be noted that under Section 232 of Cr.P.C., only when there is no evidence at all on record, the Trial Court can pass an order of acquittal. On the other hand, when there are materials, the Trial Court can proceed as per law and finally dispose of the case. Therefore, as a matter of right, the accused cannot seek an order under Section 232 of Cr.P.C. It is the discretion of the trial Court to look into the evidence and the accused has no right to claim an order of acquittal under Section 232 as a matter of right.

6. Hence, I am of the considered view that the revision itself lacks merit. However, taking into consideration the fact that fair opportunity has to be given to the accused, the accused is given time as last chance for completing his evidence on or before 29.06.2018. The list of witnesses given by the accused shall be examined without default before 29.06.2018, failing which, the accused will lose his opportunity and the Trial Court shall dispose of the case immediately without adjourning the matter further.

7. This Criminal Revision is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

arr/abr

To

- 1.The Judge, XI Additional Special Court CBI Cases,
Chennai.
- 2.The Inspector of Police,
CBI/ACB/Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

WEB COPY

Copy to
The Section Officer,
Criminal Section, High Court, Madras.

+2cc to Mr.P.CHANDRASEKAR, Advocate, S.R.No.34252
+1cc to Mr.K.SRINIVASAN, Advocate, S.R.No.34251

Cr1.RC.No.609 of 2018

VG II(CO)
TR(06/06/2018)



WEB COPY