

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.814 of 2018

Subramanya Sharma

... Petitioner/Accused No.7

Vs.

Deputy Superintendent of Police,
CBI/ACB/Chennai

... Respondent/Complainant

Prayer: Criminal Revision case filed under Section 397 and 401 of Cr.P.C. praying to discharge the petitioner/Accused 7 in C.C.No.15/2014 by setting aside the Crl.M.P.No.3626 of 2015 on the file of the learned XII Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.M.Shahjahan

For Respondent : Mr. K. Srinivasan

Special Public Prosecutor for CBI

ORDER

This Criminal Revision Petition has been filed seeking direction against the dismissal order of the discharge petition passed by the learned XII Additional Special Judge for CBI Cases, Chennai dated 05.02.2018 in Crl.M.P.No.3626 of 2015. The revision petitioner herein is arrayed as A7.

2 According to the prosecution, while he was serving as a Principal of Adhiparasakthi Dental College and Hospital, Melmaruvathur, he had forwarded compliance report for getting affiliation to start Master degree course in Dental. The petitioner had sent a letter dated 21.12.2012 to DCI informing that the deficiencies noted during earlier inspection has been complied with. Later, it is found that the compliance report is false as the inspection team, which visited the premises on receipt of the compliance report sent by the petitioner herein had found that without complying the deficiency pointed out earlier in the inspection reports, the petitioner has sent report falsely claiming compliance.

3 The trial Court after perusing the records relied upon by the prosecution had found that prima facie material available to frame charges against the accused particularly after perusing the statements of witnesses shown as LW.25 & LW.36 and the letter of this petitioner dated 21.12.2012 addressed to Dental Council of India.

4 This Court also had an occasion to peruse the entire documents relied on by the prosecution while dealing the discharge petitions of other co-accused. This Court is satisfied there are materials available to frame charge against the petitioner along with other accused, therefore, this Court finds that there is no error or illegality in the impugned order of the dismissal of the discharge petition. Hence, this Revision Petition is dismissed.

5 However, it is always open to the petitioner/accused to dispute the genuineness of his letter as well as the previous statements of the witnesses incriminating him during trial. Dismissal of the revision petition shall not stand on the way of the trial Court appreciating the evidence to be let in by the prosecution.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1 The XII Additional Special Court for CBI Cases,
Chennai.

2.The Deputy Superintendent of Police,
CBI/ACB/Chennai.

3 The Special Public Prosecutor for CBI cases,
High Court, Madras.

+lcc to Mr.M.Shahjahan, Advocate sr.no.46747

Cr1.R.C.No.814 of 2018

nr 31/07/2018