



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2018

Coram

The Honourable Dr.Justice G.Jayachandran

Crl.OP Nos:2006 & 6569 of 2010
& M.P.Nos.1 & 1 of 2010

Ms.Angaiyarkanni ... Petitioner in Crl.OP.No.2006 of 2010
D.Raja ... Petitioner in Crl.OP.No.6569 of 2010

/versus/

State, of Tamil Nadu
Rep. By Deputy Superintendent of Police,
Central Bureau of Investigation,
Special Crimes Branch,
III Floor, A-Wing, Rajaji Bhavan,
Besant Nagar, Chennai-600 090. ... Respondent
in both the petition

PRAYER in Crl.OP.No.2006 & 6569 of 2010: Criminal Original
Petitions are filed under Section 482 of Cr.P.C, to call for the
records in P.R.C.No.8 of 2010 on the file of the learned
Additional Chief Metropolitan Magistrate, Egmore, Chennai and
quash all the proceedings.

For Petitioner : No appearance
in Crl.OP.Nos. 2006 &
6569 of 2010

For Respondent : Mr.K.Srinivasan,
in both the Petition
Special Public Prosecutor (Criminal
Side)

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ORDER

When this matter was listed on 18.12.2017, there was
representation by the petitioners' counsel that they are going
to mention before the First Bench to constitute full Bench to
hear this matter along with Crl.O.P.No.2468 of 2010. Hence, this
case was adjourned on 04.01.2018.

2. When the matter is taken up today, there is no representation for the petitioners'.

3. The learned Special Public Prosecutor for C.B.I submitted that on his verification with the Registry, he found that based on the representation given by the petitioners' counsel the Registry has prepared a note to The Honourable Chief Justice. However, no orders so far passed.

4. It is very unfortunate that after filing a petition to quash the proceedings of the year 2010, the petitioners are not ensuing any interest in pursuing the matter. It is also seen from the records that on 18.12.2017 though they represented before this court that they will mention the matter before The Hon'ble The Chief Justice in open court and seek for constitution of Full Bench to hear this case, they have not done so but just given a letter to Registry not to proceed the matter further. Today when the case is called there is no representation on behalf of the petitioners. On earlier occasion when the matter was taken up for final disposal, the petitioners have taken adjournment on different ground. Few of the adjudication orders passed by this on those occasion are extracted below, to appreciate the conduct of the petitioners.

19.10.2016

No representation for the petitioner in Crl.OP.No.6569 of 2010. At the request of the learned counsel for the petitioner in Crl.OP.No.2006/2010, Post on 11.11.2016.

06.07.2017

At request of the learned counsel for the petitioner, post on 24.07.2017. The matter is pending for more than seven years. Even today, the learned counsel for the petitioner is not ready for arguments. If the learned counsel is not ready on 24.07.2017, the interim stay granted will automatically stand vacated.

12.10.2017

The learned counsels appearing for the petitioners submit that pursuant to the filing of these petitions, the Investigating Officer has filed final report before the Additional Chief Metropolitan Magistrate Court, Egmore Chennai and the same was taken on file and has assigned as P.R.C.No.8 of 2010. Since this Court has already granted interim stay on 29.01.2010, no progress was made in this case.

Now, it is represented by the learned counsel on record for the petitioners in both the cases that if the papers relied on by the prosecution is served on them, it would be convenient for them to put forth their arguments challenging the final report in P.R.C.No.8 of 2010.

The learned Special Public Prosecutor for CBI cases appearing for the respondent submits that free copies under Section 207 of Cr.P.C., have already been filed before the Court below and he has no objection for collecting the papers by the petitioners from the trial Court.

In view of the submission made on either side, this court is of the opinion that it would be appropriate to furnish the copies relied by the prosecution before the trial Court to the petitioners so as to enable them to defend their case appropriately. Since stay for further proceedings has been granted, the trial Court need not insist upon filing of formal application or petition or memo and on their appearance, furnish copies to them after obtaining their acquittance. Post the case on 03.11.2017 for final hearing.
22.11.2017

The learned counsel for the petitioner submits that the documents relied on by the prosecution runs to several pages, therefore, they are not able to get along with the case today. Hence, he seeks adjournment.

Considering the nature of the case and the fact that the petition is pending for more than 7 years, this Court is inclined to adjourn the matter on 18.12.2017 at 2.15 p.m., with direction that the learned respective counsel for the petitioner in both the cases are hereby informed that the matter will be taken up in three consecutive days from 18.12.2017 to 20.12.2017 at 2.15 p.m.
18.12.2017

This matter after consulting the learned counsels appearing for the petitioner as well as the learned Special Public Prosecutor for CBI cases, posted for final hearing for three days from today.

The learned counsel appearing for the petitioner and the President of Tamil Nadu, High Court Advocate Association represents that in connected CrI.O.P.No.2463 of 2010 Single Judge has observed that considering the facts of the case it has to be heard by Division Bench.

It is represented by the counsels that they are going to mention before the Honourable Chief Justice for appropriate order to constitute a Bench and refer this petition to be heard along with CrI.OP.No.2463 of 2010. Recording the same, the case is adjourned.

The petition shall be listed as per the directions of the Honourable Chief Justice, if any. In case no direction is issued by the Honourable Chief Justice, the matter will be heard on 04.01.2018.

5. (24.01.2017) today, when the matter called, neither the petitioners nor their counsels present.

6. Hence, this court dismiss the Original Petitions for non prosecution. Accordingly, the Criminal Original Petitions are dismissed for non prosecution. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

bsm

To

1. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai
2. The Deputy Superintendent of Police,
Central Bureau of Investigation,
Special Crimes Branch,
III Floor, A-Wing, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.
3. The Special Public Prosecutor (Criminal Side),
High Court, Madras.
4. The Section Officer,
Crl Section, High Court,
Madras-104.

Crl.OP Nos.2006 & 6569 of 2010

GMR(CO)
GN(22/02/2018)

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