

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. Nos.12296 to 12301 of 2018 (6 OPs)  
Crl.M.P. Nos. 6520, 6522, 6524, 6526, 6528 & 6530 of 2018

1 E.C. Bose and Company Pvt. Ltd.  
ECB Towers  
No.13-A, St. George Terrace  
P.S. Hastings  
Kolkatta 700 022

2 Debroschi Sadhan Bose (Billy)  
Director  
E.C. Bose Group of Companies  
No.13-A, St. George Terrace  
P.S. Hastings  
Kolkatta 700 022

3 Partha Sadhan Bose  
Chairman and Managing Directorate  
E.C. Bose & Co. Pvt. Ltd.  
E.C. Bose Group of Companies  
No.13-A, St. George Terrace  
Kolkatta 700 022

...Petitioners in all the Crl.O.Ps.  
vs.

Sugesan Transport Pvt.  
represented by its Managing Director  
Rajendra K. Sheth  
No.7C Second Canal Road  
Gandhi Nagar  
Adyar, Chennai 600 020

सत्यमेव जयते

...Respondent in all the Crl.O.Ps.

Criminal Original Petitions filed under Section 482 Cr.P.C.  
seeking to call for the records in C.C. Nos.61, 59, 62, 63, 64  
and 60 of 2017 respectively on the file of the III Fast Track  
Court, Saidapet, Chennai and quash the same.

For petitioners in  
all the Crl.O.Ps.

Mr. J. Ravikumar

For respondent in  
all the Crl.O.Ps.

Mr. Nithyaesh Natraj

COMMON ORDER

These Criminal Original Petitions have been filed seeking to call for the records in C.C. Nos.61, 59, 62, 63, 64 and 60 of 2017 respectively on the file of the III Fast Track Court, Saidapet, Chennai and quash the same.

2 Today, when these Criminal Original Petitions were taken up for hearing, it was brought to the notice of this Court by the learned counsel for the respondent that trial has begun with the examination of P.W.1 and the cases were posted for final arguments and such being the stage of the cases, these Criminal Original Petitions have been filed seeking the aforesaid relief.

3 When this Court posed a pointed question to the learned counsel for the petitioners as to why the aforesaid factum was neither averred in the affidavit nor submitted by him during the course of arguments, the learned counsel for the petitioners submitted that it is not necessary to bring to the notice of this Court the fact that the cases have reached the stage of final arguments, inasmuch as, the petitioners have questioned the very cognizance of the offence.

4 In the opinion of this Court, it is not for the petitioners to decide as to what is relevant or irrelevant and it is the duty of the petitioners to place all the facts before the Court so that the Court can take a decision in this regard. Thus, the suppression of the fact that the trial has reached the stage of final arguments, in the opinion of this Court, is fatal since the power under Section 482 Cr.P.C. can be invoked only in favour of a person who comes to the Court with clean hands. In such perspective of the matter, the petitioners in having failed to come to this Court with clean hands, are not entitled to the relief sought.

In the result, these Criminal Original Petitions fail and are accordingly dismissed. Connected CrI.M.Ps. are closed.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

cad

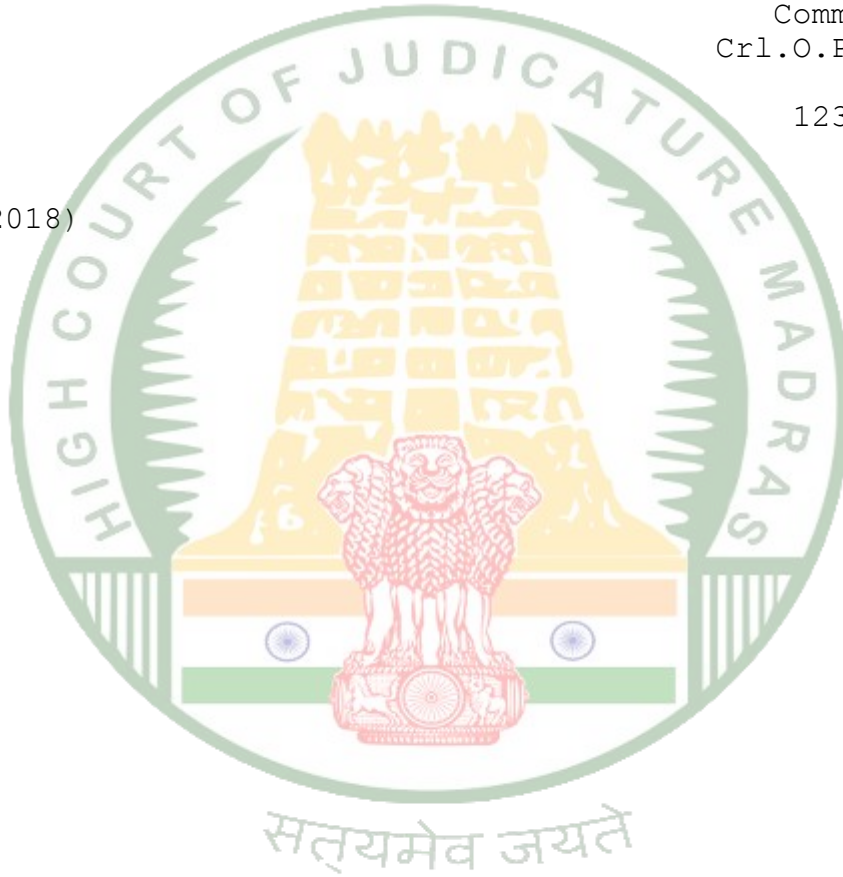
To

- 1 The III Fast Track Judge  
Saidapet, Chennai
- 2 The Public Prosecutor  
High Court of Madras  
Chennai 600 104

+6cc to Mr.J.RAVIKUMAR, Advocate, S.R.No.44179 TO 44184

Common order in  
Crl.O.P. Nos.12296  
to  
12301 of 2018  
(6 OPs)

TR(13/07/2018)



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