

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 31.10.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
Crl.O.P.No.25209 of 2018
and Crl.M.P.No.14279 of 2018

Mani Anbazhagan

.. Petitioner

Vs

State represented by
The Deputy Director,
Directorate of Enforcement,
Govt.of India, Ministry of Finance,
Dept. of Revenue,
Murugesu Naicker Complex,
84, Greaves Road, Chennai-6.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.18 of 2017 on the file of the XII Additional Judge for CBI cases, Chennai and designated court for PMLA offences and quash the same.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.S.Kingston Jerold

For Respondents : Mr.N.Ramesh, Spl. Public Prosecutor

O R D E R

This petition has been filed to quash the proceedings in C.C.No.18 of 2017 on the file of the XII Additional Judge for CBI cases, Chennai.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.When the matter is taken up for hearing, learned Additional Public Prosecutor submitted that the trial in the case has begun and 15 witnesses have been examined.

4.Mr.R.C.Paul Kanagaraj, learned counsel for the petitioner submitted that the allegation against the petitioner is that he has received commission from the main accused, namely, Liakath Ali and that he had received the same by helping him to open the bank account and that cannot be proceeds of crime.

5.In the opinion of this Court, this is question of fact which has to be determined by the trial Court, based on evidence on record. That apart, the trial Court was directed to complete the trial within six months by this Court in an earlier order. So far, the prosecution have examined 15 witnesses and they have

not been cross-examined by the accused. Therefore, this matter is left open for the trial Court to decide. Hence, this petition is closed. If the prosecution is not able to establish the ingredients of the offence qua the proceeds of crime, the accused will have to be perforce acquitted. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gya

To

- 1.XII Additional Judge for CBI Cases,
City Civil Court, CBI cases and
Designated Court,
Chennai.
- 2.State represented by
The Deputy Director,
Directorate of Enforcement,
Govt.of India, Ministry of Finance,
Dept. of Revenue,
Murugesu Naicker Complex,
84, Greaves Road,
Chennai-6.
- 3.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Kingston Jerold, Advocate, S.R.No.74718
+1cc to Mr.N.Ramesh, Advocate, S.R.No.74951

Cr1.O.P.No.25209 of 2018

KK(CO)

rrs 20/11/2018

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