

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1314 of 2018
and
Crl.M.P.Nos.15493 & 15494 of 2018

Uttamchand Bohra

.. Petitioner

Vs.

State rep. by
the Deputy Superintendent of Police
SPE / CBI / ACB
Anti Corruption Bureau
Central Bureau of Investigation
Chennai

... Respondent

PRAYER: The Criminal Revision Petition has been filed under Section 397 & 401 Cr.P.C., to set aside the order dated 08.11.2018 in Crl.M.P.No.183 of 2014 in C.C.No.3 of 2013, passed by the learned IX Additional Special Judge for CBI Cases at Chennai and allow this Revision Petition.

For Petitioner : Mr.N.Muralikumaran
for M/s.Mccan Law Firm

For Respondent : Mr.K.Srinivasan
Spl.P.P. (CBI cases)

O R D E R

The petitioner has filed this Criminal Revision Petition under Section 397 & 401 Cr.P.C., to set aside the order dated 08.11.2018 in Crl.M.P.No.183 of 2014 in C.C.No.3 of 2013,

passed by the learned IX Additional Special Judge for CBI Cases at Chennai.

2.The petitioner had filed a discharge application before the IX Additional Special Judge for CBI Cases, Chennai in CrI.M.P.No.183 of 2014 in C.C.No.3 of 2013 and the same was dismissed on 08.11.2018, against which, the present Revision has been preferred.

3.The case of the prosecution is that based on the information, the case was registered by the respondent CBI on 29.08.2011 on the allegation that Shri Andasu Ravindar, IRS (A1), while functioning as Additional Commissioner of Income Tax, Company Range, Chennai had organised a survey proceedings under the Income Tax Act at the premises of M/s.Everonn Education Ltd, Perungudi, Chennai, an educational company, run by Shri P.Kishore (A2), Managing Director of the Company. The proceedings conducted by the Income Tax Officials revealed that the firm had concealed taxable income to the tune of Rs.100 crores. A1 had demanded Rs.50 lakhs from A2 for showing him undue favour for concealing the Income Tax liability, for which, A2 was to hand over a bribe amount of Rs.50 lakhs on 29.08.2011 to A1 at his residence. The said bribe amount was taken by A3, a close associate of A1 from the resident of A1 to the place known to him. Thereby, the respondent CBI has registered a case against the petitioner as well as other accused persons for the offences under Section 120 B IPC r/w Section 7 of Prevention of Corruption Act, 1988 vide RC.33(A)2011. Thereafter, the petitioner has filed a discharge petition under Section 239 of Cr.P.C. The Trial Court after perusing the counter and hearing the arguments of the learned Senior Counsel has dismissed the discharge application.

4.Though the learned counsel appearing for the petitioner has raised several grounds for the above said offence, after some arguments, he has restricted his prayer only to raise all the grounds before the Trial Court at the time of Trial.

5.The learned Special Public Prosecutor (CBI Cases) appearing for the respondent would accede to the request of the petitioner.

6.In view of the limited prayer raised before this court by the petitioner, this Court without going into the merits and without expressing any opinion, inclined to grant liberty to the petitioner to raise all the grounds at the time of Trial.

7. Accordingly, this Criminal Revision Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

kas

Index:yes/no
Internet:yes
Speaking order/Non-speaking order

To.

1. The Deputy Superintendent of Police
SPE / CBI / ACB
Anti Corruption Bureau
Central Bureau of Investigation, Chennai
2. The IX Additonal Special Judge
for CBI Cases at Chennai
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to M/s.MCGAN LAW FIRM, Advocate SR.No.79251

Crl.R.C.No.1314 of 2018
and

Crl.M.P.Nos.15493 & 15494 of 2018

KS (CO)
GMY (18/12/2018)

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