



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.(MD)No.612 of 2018

and

CrI.M.P.(MD)No.269 of 2018

1.P.Raja Samuel

2.Dr.K.Rama Lakshmi

: Petitioners

-Vs-

The Inspector of Police,

SPE: CBI: ACB,

Chennai.

(Cr.No.R.C.MAI 2011 A 0031)

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to issue a direction to the learned Special Judge for CBI Cases, Madurai, to pass orders in CrI.M.P.No.1686 of 2017 in C.C.No.24 of 2012 before proceeding further with the said case.

For Petitioners : Mr.C.Murugavel

For Respondent : Mr.S.Jayakumar,
Special Public Prosecutor for CBI Cases

O R D E R

The petitioners are accused Nos.10 and 11 in C.C.No.24 of 2012 that is pending on the file of the learned Special Judge for CBI Cases, Madurai. It is represented that the accused have filed a petition in CrI.M.P.No.1686 of 2017 in C.C.No.24 of 2012 under Section 91 of the Code of Criminal Procedure calling for the production of certain documents that are said to have been seized by one M.Shajahan, Inspector of Police, CBI on 19.10.2011 from the premises of the accused. It is the grievance of the petitioners that the Trial Court has not passed any order in CrI.M.P.No.1686 of 2017 and, therefore, the petitioners are seeking for directions to the Trial Court to pass appropriate orders in CrI.M.P.No.1686 of 2017 expeditiously.

2. Heard the learned counsel for the petitioners and the learned Special Public Prosecutor for CBI Cases.

3. The learned counsel for the petitioners brought to the notice of this Court a copy of the seizure memo dated 19.10.2011, under which, it is seen that M.Shajahan, Inspector of Police had seized a number of papers containing OP Registration, Jayas Hospital letter head, copy of partnership Deed, Attendance Report, Advertisement Bill, Paper cutting etc. (1-52 Records). According



to the petitioners, those documents were not submitted to the Trial Court and those documents will go a long way to disprove the prosecution case.

4. This Court gave its anxious consideration to the rival submissions.

5. Under Section 91 of the Code of Criminal Procedure, it should be shown to the Court that the document in question is necessary or desirable for the case. It is not known as to why the trial in C.C.No.24 of 2012 has not begun till date. If this petition is admitted and kept, that will be one more good reason for protracting the trial. Therefore, this Court directs the Trial Court to check the records and find out if really the petitioners have filed the petition in Cr.M.P.No.1686 of 2017 in C.C.No.24 of 2012 under Section 91 of the Code of Criminal Procedure calling upon the production of the aforesaid documents. In the event of availability of such a petition, the Trial Court shall call upon the Investigating Officer to say whether M.Shajahan indeed seized the documents referred to in the seizure memo dated 19.10.2011. The petitioners are directed to produce a copy of the seizure memo dated 19.10.2011 before the Trial Court. If, indeed, Shajahan had seized such documents and the same are available with the CBI, it will be, in the interest of justice, if the CBI is directed to submit the same to the Court, so that, the petitioners and the prosecution can inspect those documents and can use it in accordance with law.

6. With the above direction, this Criminal Original Petition is ordered accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Special Judge for CBI Cases, Madurai.

2.The Inspector of Police,

SPE: CBI: ACB, Chennai.

3.The Special Public Prosecutor for CBI Cases

Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.C.Murugavel, Advocate SR.No. 41986

Order made in
Cr1.O.P.(MD)No.612 of 2018

Dated: 12.01.2018