



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) Nos.8514, 8515, 8516 & 8517 of 2016

P.Venkateswarlu

... Petitioner / A1
in all Crl.O.Ps.

vs.

The Inspector of Police
Central Bureau of Investigation
Anti Corruption Bureau
Chennai

... Respondent / Complainant
in all Crl.O.Ps.

PRAYER (in Crl.O.P.(MD) No.8514 of 2016): Criminal original petition filed, under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.21/2012, on the file of the learned Special Court for C.B.I.Cases, Madurai-cum-II Additional District and Sessions Judge, Madurai and quash the same in so far as the petitioner is concerned.

PRAYER (in Crl.O.P.(MD) No.8515 of 2016): Criminal original petition filed, under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.12/2012, on the file of the learned Special Court for C.B.I.Cases, Madurai-cum-II Additional District and Sessions Judge, Madurai and quash the same in so far as the petitioner is concerned.

PRAYER (in Crl.O.P.(MD) No.8516 of 2016): Criminal original petition filed, under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.20/2012, on the file of the learned Special Court for C.B.I.Cases, Madurai-cum-II Additional District and Sessions Judge, Madurai and quash the same in so far as the petitioner is concerned.

PRAYER (in Crl.O.P.(MD) No.8517 of 2016): Criminal original petition filed, under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.14/2012, on the file of the learned Special Court for C.B.I.Cases, Madurai-cum-II Additional District and Sessions Judge, Madurai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.Veera.Kathiravan, Senior Counsel
<https://hcservices.ecourts.gov.in/hcservices/>
(in all Crl.O.Ps.) for Mr.C.Jegannathan



For Respondent :
(in all Crl.O.Ps.)

Mr.N.Ashok Kumar Gowtham
Senior Public Prosecutor for C.B.I.Cases

C O M M O N O R D E R

WEB COPY

When the matter is taken up for hearing, the learned Senior Public Prosecutor for C.B.I.Cases submitted that trial in all the above cases has begun and some witnesses have been examined. When such being the position, the learned Senior Counsel for the petitioner sought permission of this Court to withdraw the criminal original petitions with liberty to raise all the points before the Trial Court and he has also made an endorsement to that effect.

2. Permission is granted. The criminal original petitions are dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court, after the charges are framed, since there are *prima facie* materials for the Trial Court to frame charges. If the petitioner is not released on bail, he is directed to surrender before the Trial Court, within a period of two weeks from the date of receipt of a copy of this order and on such surrender, the Trial Court shall obtain a bond under Section 88 Cr.P.C., for Rs.10,000/- (Rupees Ten Thousand only) with two sureties in each of the cases. However, the petitioner is permitted to produce common sureties.

3. At this juncture, the learned counsel appearing for the petitioner submitted that the presence of the petitioner before the Trial Court may be dispensed with.

4. Accepting the submission, this Court directs the petitioner to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioner files an application under Section 317 Cr.P.C., undertaking that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses on the day they are examined in chief, as held by the Hon'ble Supreme Court in Vinod Kumar vs. State of Punjab reported in 2015 (1) Scale 542, in his absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If he absconds, a fresh First Information Report can be registered against him under Section 229-A of the Indian Penal Code. If he adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence.

Sd/-
Assistant Registrar(C.O)

/True Copy/



WEB COPY

- 1.The Special Judge for C.B.I.Cases,
II Additional District and Sessions Court,
Madurai.
- 2.The Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Bureau,
Chennai.
- 3.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.Veera Associates, Advocate, SR.No.46802

krk
RL/5C/3P/SV/MMS/SAR2/22/2/2018

CrI.O.P.(MD) Nos.8514, 8515, 8516 & 8517
of 2016

06.02.2018
(1/2)