

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.630 of 2017

A.G.Gopal

Petitioner/Defacto Complainant

Vs

State by the Deputy Superintendent of Police
Vigilance and Anti Corruption
Kancheepuram Police Station,
Kancheepuram

Respondent/ Complainant

Prayer:- This Criminal Revision Petition is filed, against the order dated, 21.03.2017, made in Crl.MP.No.630 of 2016, by the Special Judge Cum Chief Judicial Magistrate, Chengalpet.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.K.Prabakar, APP

ORDER

This Criminal Revision Petition has been filed, against order dated, 21.03.2017, made in Crl.MP.No.630 of 2016 in Spl.CCNo.6 of 2015, by the Chief Judicial Magistrate, Chengalpet, dismissing the petition to permit the Petitioner to assist the Prosecution.

2. When the matter is taken up today, the learned counsel for the Petitioner would straight away submit that it would be suffice if a direction is issued to the Trial Court to permit the Petitioner to file a written submission, after closure of evidence and after questioning the accused under Section 313 of Cr.PC.

3. Th learned Additional Public Prosecutor would submit that the Respondent has been conducting the Prosecution in a fair and effective manner and that a counter had also been filed before the Trial Court, stating that the Respondent had conducted the investigation in an unbiased manner and by recording the statements of the witnesses and collecting the evidence and documents necessary to establish the case. He would also submit that the Prosecution Agency, as a neutral Agency, its responsibility is to conduct a fair trial and to illustrate the truth before the Trial Court, without any vested

interest. Moreover, the Prosecution is also saddled with the responsibility of proving the case against the accused, beyond all reasonable doubts. He would further submit that the Respondent Police has no objection, in permitting the Petitioner to file a written submission, before the Trial Court, but however, he should not raise any plea contrary to the case of the Prosecution and the evidence let in during the trial.

4. In view of the submissions made by the learned counsel on either side, a direction is issued to the Trial Court to permit the Petitioner to assist the Prosecution to the limited extent of filing a written submission alone, after closure of the evidence. It is also made clear that the Trial Court shall not allow the Petitioner/ defacto complainant to raise any plea, which is contrary to the case of the Prosecution or evidence let in during trial, while assisting the Prosecution.

5. With the above directions, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Srcm

To:

- 1.The Special Judge Cum Chief Judicial Magistrate, Chengalpet.
- 2.The Public Prosecutor, High Court, Madras
- 3.The Deputy Superintendent of Police, Vigilance and Anti Corruption, Kancheepuram Police Station, Kancheepuram

+1cc to Mr. S.Sasikumar, Advocate SR.No. 14179
Copy to
The section officer,
Criminal Section,
High court
Madras

Cr1.RC.No.630 of 2017

A.SK(01/05/2019)