

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.4702 of 2019

IN CRL.O.P.No.6968 of 2014

S.VIJAYAKUMAR

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
SPE/CBI/ACB/CHENNAI 600 006.
(RC.NO.13(A)/1996)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to fix an early date for the final disposal of the case in Crl.O.P.No.6968 of 2014 pending on the file of this Hon'ble Court

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.DINESH D. TIWARI, Advocate for the petitioner, and of MR.K.SRIVIVASAN, Spl. Public Prosecutor for CBI-cases, on behalf of the Respondent, the court made the following order:-

The petition has been filed seeking to fix an early date for the final disposal of the case in Crl.OP.No.6968 of 2014, pending on the file of this Hon'ble Court.

2.The main Crl.OP.No.6968 of 2014 has been filed seeking to quash the proceedings pending against the petitioner in C.C.No.5 of 2002, on the file of the learned XII Additional Special Judge for CBI Cases, Chennai.

3.The learned counsel for the petitioner would submit that the petitioner has been arrayed as A4 in the main case. He would further submit that the petitioner was absconding for sometime and thereby the case against the petitioner had been split up as C.C.No.5 of 2002. The co-accused in the case were tried in C.C.No.4 of 2000 and have been acquitted by the trial Court on 23.01.2009. Against the order of acquittal of the co-accused, the respondent had filed appeal before this Hon'ble Court and the same was dismissed on 31.07.2018.

He would further submit that the petitioner also stands on the same footing, as that of the other accused who have been acquitted and thereby the petition has been filed in CrI.OP.No.6968 of 2014 seeking to quash the proceedings in C.C.No.5 of 2002 pending before the trial Court.

4.The learned Special Public Prosecutor for CBI Cases appearing for the respondent would submit that as against the dismissal of appeal against the acquittal of other accused in C.C.No.4 of 2000, steps are being taken by the respondent Department to file a Special Leave Petition before the Hon'ble Supreme Court. He seeks time to get instructions from the respondent Department with regard to the same.

5.At this juncture, the learned counsel for the petitioner would submit that the learned trial Judge is insisting to proceed with the trial and a direction may be issued to the trial Court not to proceed with the trial, since the trial Judge is insisting for framing of charges.

6.Taking into consideration of the above facts and the submissions made by both counsel, Registry is directed to list the CrI.OP.No.6968 of 2014, for **final hearing during the 2nd week of July 2019**. The trial Judge shall defer framing of charges till the 2nd week of July 2019.

-sd/-
22/04/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XII ADDITIONAL SPECIAL
JUDGE FOR CBI CASES, CHENNAI-600 104.

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
SPE/CBI/ACB/CHENNAI 600 006.

+1 C.C. to M/S.DINESH D. TIWARI Advocate on payment of
necessary charges SR.NO.8302

Order

in
CRL MP.4702/2019
in
CRL.O.P.No.6968/2014

Date :22/04/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-27/04/2019