

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.NO.704 OF 2019

AND

CRL.M.P.NOS.9835 AND 9837 OF 2019

A.Subramanian

... Petitioner

Vs.

Inspector of Police
SPE/CBI/ACB/Chennai
Haddows Road
Shastri Bhavan
Chennai

.... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 & 401 of the Criminal Procedure Code seeking (i) to call for the records relating to the order passed in Crl.M.P.No.6057 of 2017 in C.C.No.29 of 2006, dated 22.05.2019 on the file of the learned XIV Additional Special Judge for CBI Cases at Chennai and set aside the same.

For Petitioner : Mr.R.Sankaranarayanan
for M/s.N.P.Vijay Kumar

For Respondent : Mr.K.Srinivasan
Spl.Public Prosecutor (CBI Cases)

सत्यमेव जयते
O R D E R

This criminal revision has been filed seeking to call for the records relating to the order passed in Crl.M.P.No.6057 of 2017 in C.C.No.29 of 2006, dated 22.05.2019 on the file of the learned XIV Additional Special Judge for CBI Cases at Chennai and set aside the same.

2.The learned counsel for the petitioner submitted that the Sterling Infotech Ltd., (hereinafter referred as Company) is arrayed as Accused No.5 in the Charge Sheet, Petitioner has been arrayed as person representing the 5th Accused company. The petitioner has filed a petition under Section 305 to issue proper summons to the 5th Accused so that the person duly

authorised by the 5th Accused company should represent on its behalf. The petitioner is no longer associated with the 5th Accused company. The petitioner has no authorisation to represent or act on behalf of the 5th Accused company. The petitioner was a Director of the 5th Accused company and retired from the post of Director on 14.12.2007 and form 32 recording the resignation has been filed by the 5th accused company before the Registrar of Companies, Chennai. The respondent instead of serving summons to the 5th accused company has chosen to serve the same on the petitioner. The said petition was dismissed. Hence, the petitioner has filed this criminal revision.

3.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioner before the Trial Court may be dispensed with and would further submit that the petitioner is ready to appear as and when necessary arises.

4.The learned Special Public Prosecutor for CBI Cases concedes to the request made by the learned counsel appearing for the petitioner.

5.In view of the above, this Court directs the learned XIV Additional Special Judge for CBI Cases, Chennai, to expedite the trial in C.C.No.29 of 2006 and complete the same as early as possible. The appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary. The petitioner is granted liberty to raise all the grounds before the Trial Court.

6.With the above directions, this criminal revision is disposed of. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

kas

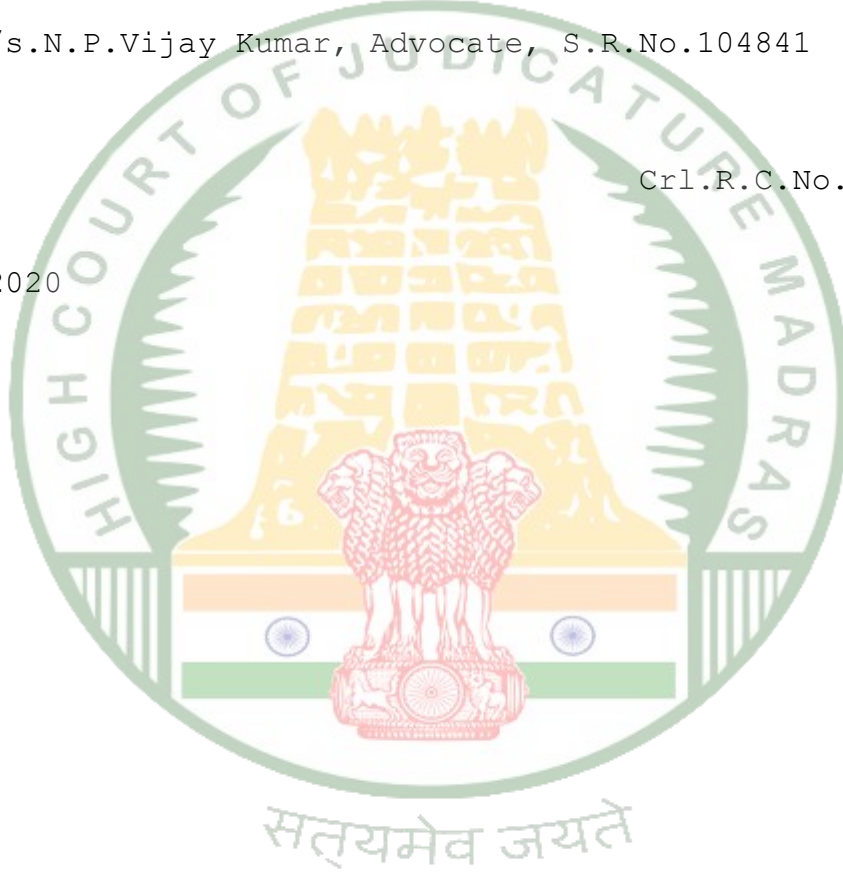
To

1. The Inspector of Police
SPE/CBI/ACB/Chennai
Haddows Road, Shastri Bhavan
Chennai
2. The XIV Additional Special Judge
for CBI Cases at Chennai.
3. The Special Public Prosecutor,
CBI Cases, Chennai

+3cc to M/s.N.P.Vijay Kumar, Advocate, S.R.No.104841

Crl.R.C.No.704 of 2019

VD(CO)
CS/31/01/2020



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