

Crl.O.P.No.25190 of 2019
&
Crl.M.P.No.13449 of 2019

M. NIRMAL KUMAR, J.

Today the matter is listed under the caption ' for being mentioned' at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that in the above Crl,O.P.No.25190 of 2019, this Court has passed an order on 23.09.2019, wherein in 'prayer' portion it has been mentioned as XIV Additional Sessions Judge for CBI Cases, Chennai, instead of XIII Additional Sessions Judge, incharge of XIV Additional Sessions Judge for CBI Cases, Chennai. Similarly he pointed out some other corrections to be carried out in paragraph Nos. 1,4 and 12 and also in ' copy to' portions in the order dated 23.09.2019.

3. In view of the submissions made by the learned counsel for the petitioner, the Registry is directed to carry out necessary corrections in prayer portion, paragraph Nos 1, 4 and 12 and in 'copy to' portions of the order dated 23.09.2019 made in Crl.O.P.No.25190 of 2019 as stated below;

(i) In page No.1 of the order dated 23.09.2019 , the 'prayer' portion is replaced as follows:

' PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal procedure Code to set aside the

impugned docket order dated 30.05.2019 made in C.C.No.1 of 2013 passed by the learned XIII Additional Sessions Judge incharge of XIV Additional Sessions Judge for CBI Cases, Chennai in consequence of the order dated 18.11.2014 passed in Crl.O.P.No.4067 of 2014 for joint trial.'

(ii) In page No.2 of the above order, para 1 shall be replaced as follows;

'The Criminal Original petition has been filed by the petitioner to set aside the impugned docket order dated 30.05.2019 made in C.C.No.1 of 2013 passed by the learned XIII Additional Sessions Judge, incharge of XIV Additional Sessions Judge for CBI Cases, Chennai in consequence of the order dated 18.11.2014 passed in Crl.O.P.No.4067 of 2014 for joint trial.'

(iii) Para No.4 of the above order shall be substituted as follows;

'4. Only on passing of the above order, the petitioner came to know about the order of this Court in Crl.O.P.No.4067 of 2014. Crl.O.P.No.4067 of 2014 was moved by one Pallabh Sinha, A1 in C.C.No.32 of 2011 and A6 in C.C.No.1 of 2013. The petitioner's contention in Crl.O.P.No.4067 of 2014, is to withdraw C.C.No.32 of 2011 from the file of XIV Additional Special Court for CBI Cases, Chennai, and to transfer the same to the file of XIII Additional Special Court for CBI Cases, Chennai, to be tried along with C.C.No.1 of 2013. It was also further contended by the learned counsel for the petitioner that the primary allegation in

C.C.No.32 of 2011 and in C.C.No.1 of 2013 are in respect of sum of Rs.12,40,000/- alleged to have been entrusted by the petitioner with the approver, Hanifa. Therefore, in the interest of justice, both the cases are to be tried by the same Court.'

(iv) Para No.12 of the above order shall be substituted as follows;

'12. In the light of the above, it is hereby clarified that C.C.No.32 of 2011 and C.C.No.1 of 2013 are to be tried separately, C.C.No.32 of 2013 is in the stage of arguments. In C.C.No.1 of 2011, so far, four witnesses have been examined. The trial court shall deal and dispose both the cases independently.'

(v) At page 13, in 'Copy to' portion, the terms '2. The Public Prosecutor, High Court of Madras' shall be replaced as '2.The Special Public Prosecutor, CBI Cases, High Court of Madras. Similarly, the terms '3. The XIII Additional Special Court for CBI Cases, Chennai' shall be incorporated.

4.The Registry is directed to issue fresh order copy after making necessary corrections as stated above.

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