

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Revision Case No.225 of 2017
and
Crl.M.P.No.2187 of 2017

A.Chinnasamy ...Petitioner

Vs.

1.A.Velliyan

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Salem. ...Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C ., to set aside the order dated 18.01.2017 made by Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Salem in Crl.M.P.No.836/2016 in Special C.C.No.2/2015.

For Petitioner : Mr.G.Saravanan

For Respondents : Mr.Devaraj for R1

Mr.K.Prabakar
Additional Public Prosecutor for R2

ORDER

The revision has been filed against the order passed by the Special Judge (Special Court for Trial of Cases under Prevention of Corruption Act) Salem, dated 18.01.2017 in Crl.M.P.No.836 of 2016 in Special C.C.No.2 of 2015.

2.The learned counsel for the revision petitioner would submit that the petitioner is an accused facing trial in Special C.C.No.2 of 2015 for the offence under Sections 7, 13(2) r/w 13 (1)(d) of the Prevention of Corruption Act. He would further submit that even prior to the stage of framing of charges, the first respondent / informant victim filed an application under Section 24(8), 301 and 302 of Cr.P.C., seeking permission to assists the prosecution. He would further submit that the revision petitioner has filed a counter, stating that the petition is beyond the scope of the provisions of Criminal

Procedure Code and that the petition for assisting the prosecution is not maintainable at the stage before the charges were framed.

3. The learned counsel for the petitioner would submit that as per Section 301 of Cr.P.C., the role of the private party can be limited only to the extent of assisting the prosecutor that too after completion of evidence and at the stage of arguments to file written arguments before the trial Court. He would further submit that where as the trial judge has exceed the scope of the provisions and had given liberty to the respondent/informant victim to file necessary counter objections in the pending/ intended applications preferred by the petitioner/accused, including the pending discharge application and allowing him to have his case heard. He would further submit that the case is now at the stage of examination of the witnesses and giving scope to the respondent/informant victim to file necessary counter objections in the intended application preferred by the petitioner would affect the accused in getting a fair trial with unnecessary intervention at all stages. However, he would submit that it would suffice, if clause (c) of the impugned order alone be deleted.

4. The learned Additional Public Prosecutor appearing for the second respondent would submit that the discharge application preferred by the petitioner has been disposed and the trial has commenced and the examination of P.W.2 is in the midway. He would also submit that the respondent police is effectively prosecuting the case and he would further submit that the grievance of the victim as well as the defacto complainant will very well be taken care of by the prosecutor.

5. In view of the submissions made by the learned counsel, clause (c) alone of the order i.e "the petitioner is given the liberty to file necessary counter objections in the pending/intended applications preferred by the accused, including the pending discharge application and have his case heard" is set aside. The impugned order in respect of other aspects is upheld.

6. With the above modification, the criminal revision case is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ms

To

- 1.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Salem.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Special Judge, Special Court for Trial of Cases
under Prevention of Corruption Act,
Salem.

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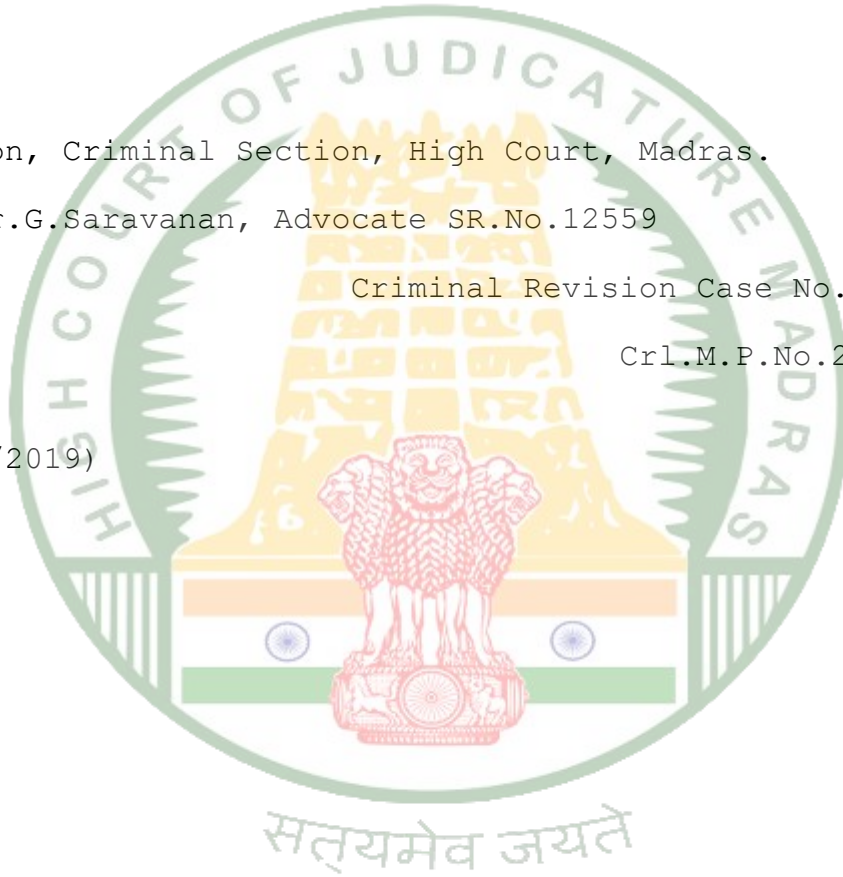
The Section, Criminal Section, High Court, Madras.

+lcc to Mr.G.Saravanan, Advocate SR.No.12559

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SSI (CO)
GMY (12/03/2019)



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