



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.02.2019
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P. (MD) No.18546 of 2018
and
CRL.M.P. (MD) Nos.8300 and 8301 of 2018

S.Sankaralingam

... Petitioner

Vs.

State Through
The Additional Superintendent of Police,
SPE/CBI/ACB/Chennai,
(In R.C.No.29(A)/2011)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned II Additional Sessions Judge, (Special Judge for C.B.I. Cases, Madurai in Cr.M.P.No.1299 of 2018 in C.C.No.1 of 2015 vide his order dated 10.08.2018 and consequently direct the aforesaid learned Judge to call for the documents referred to in the said petition so as to produce the same before the charges are framed in the said case.

For Petitioner : Mr.R.Anand
For Respondent : Mr.R.Sudev Kumar,
Special Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned II Additional Sessions Judge (Special Judge for CBI Cases, Madurai) in Cr.M.P.No. 1299 of 2018 in C.C.No.1 of 2015 vide his order dated 10.08.2018.

2.Though the learned counsel for the petitioner raised several grounds for setting aside the order passed by the learned II Additional Sessions Judge (Special Judge for CBI Cases), Madurai, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioner to raise all the grounds raised in this petition before the trial Court. He further submitted that the petitioner is now aged about 62 years and he is unable to appear in all the hearings and hence, his personal appearance may be dispensed with.

<https://hcservices.courts.gov.in/hcservices/>

3.The learned Special Public Prosecutor appearing for the



respondent submitted that the trial in C.C.No.1 of 2015 has already been commenced and some of the witnesses were examined.

4. In the light of the abovesaid submission made by the learned counsel on either side, this Court without going into the merits of the case, directs the learned II Additional Sessions Judge (Special Judge for CBI Cases), Madurai, to complete the trial in C.C.No.1 of 2015, within a period of six months from the date of receipt of a copy of this order.

5. Considering the submission made by the learned counsel for the petitioner and considering the age of the petitioner, I am inclined to dispense with his personal appearance before the trial Court on condition that he shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of Cr.P.C., and at the time of passing judgment. However, the petitioner is directed to give an undertaking in the form of affidavit that the counsel representing him will cross examine the prosecution witnesses on the day they are examined in chief. The petitioner shall not dispute the identity of the witnesses.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional Sessions Judge,
(Special Judge for CBI Cases, Madurai.
2. The Additional Superintendent of Police,
SPE/CBI/ACB/Chennai.
3. The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

Myr
ES/12.03.2019/2P/4C

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