



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.R.C(MD)Nos.852, 854 and 855 of 2019
and 871, 872 and 873 of 2019

G.Thiyagarajan ... Petitioner / second accused
(in all cases)

Vs

State through
The Deputy Superintendant of Police,
Vigilance and Anti Corruption,
Madurai Detachment. ... Respondent / complainant in all cases

PRAYER In Crl.R.C(MD)Nos.852, 854 and 855 of 2019: Criminal Revision Cases have been filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the charges framed through order dated 09.10.2019 of the Special Court for Prevention of Corruption Act Cases, Madurai in Spl.C.No.48, 46 and 47 of 2011 respectively and allow these criminal revision cases.

PRAYER In Crl.R.C(MD)Nos.872, 871 and 873 of 2019: Criminal Revision Cases have been filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and revise and set aside the order dated 21.10.2019 of the Special Court for Prevention of Corruption Act Cases, Madurai in Cr.M.P.No.822,823,821 of 2019 respectively in Spl.C.No.47,48,46 of 2011.

For petitioner : Mr.A.Palaniappan (in all cases)

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.
(in all cases)

COMMON ORDER

Crl.R.C(MD)Nos.852, 854 and 855 of 2019 are filed as against the order of the Special Court for the Prevention of Corruption Act cases in Special Case Nos.48,46,47 of 2011 respectively, wherein, the trial Court framed the charges as against the petitioner.

2.When the revision cases were taken up for hearing, the learned Counsel for the petitioner informed that the petitioner has also filed separate revision cases against the order passed by the trial Court in application filed by the petitioner for discharge under Section 239 CrPC and therefore, CrlRC(MD)Nos.871, 872 and 873



of 2019 are also listed and they are disposed of by this common order.

3. In support of these petitions, the learned Counsel for the petitioner has raised a ground that for the same cause of action, already final report was filed by the respondent Police and the same was also taken on file by the trial Court in Spl. Case No.1 of 2006 and the same ended in conviction and therefore, the present final report filed by the investigating agency, segregating the cause of action, cannot be maintained and that would amount to double jeopardy, which cannot be permitted under law.

4. Per contra, the learned Additional Public Prosecutor, by referring the order passed by this Court in earlier Criminal Original Petitions in Crl.O.P(MD)Nos.25438 to 25440 of 2002 dated 20.02.2019 submitted that earlier quash application filed by the petitioner was disposed of with liberty to the petitioner to raise, all the grounds raised therein, before the trial Court during the trial and now the petitioner cannot raise the very same grounds before this Court and challenge the framing of charges.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor.

6. Without going into the merits of the case, since on the very same set of facts, this petitioner has already filed criminal original petitions before this Court to quash the case registered against him and this Court has also passed an order directing the petitioner to raise all the grounds raised therein before the trial Court during the trial.

7. The grounds raised by the petitioner can be appreciated only during the trial and this Court has already passed an order dated 20.02.2019 to that effect in criminal original petitions in Crl.O.P(MD)Nos.25338 to 25440 and these revision cases are disposed of with liberty to the petitioner to raise all these grounds before the trial Court during the trial, since the grounds can be appreciated only during the trial before the trial Court.

8. Considering the age of the accused, the trial Court shall give priority to these cases and to conduct the trial as expeditiously as possible

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)



dsk

To

1.The Special Judge, The Special Court for
Prevention of Corruption Act Cases,
Madurai.

2.The Deputy Superintendant of Police,
Vigilance and Anti Corruption,
Madurai Detachment.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+3 CC to Mr.PALANIAPPAN, Advocate SR-101001, 101000, 100999

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MK (31.12.2019) 3P 7C