

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

Crl.O.P.Nos. 16350 and 16354 of 2020

K.Anwar Hussain .. Petitioner
in Crl.O.P.No.16350/20

R.Sekar .. Petitioner
in Crl.O.P.No.16354/20

Vs.

The Deputy Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance, Department of Revenue,
II & III Floor, "C" Block,
Murugesu Naicker Complex,
No.84, Greaves Road, Thousand Lights,
Chennai - 600 006. .. Respondent
in both

Petitions filed under Section 482 Cr.P.C calling for the entire records and quash the proceedings pending as far as the petitioner is concerned in C.C.No.24 of 2016 in F.No.ECIR No.6/2012/CZO/(AVB) pending on the file of the Principal Special Court for CBI Cases (VIII Additional) City Civil Court, Chennai.

For Petitioner
(in both)

.. Mr.V.S.Venkatesh

For Respondent
(in both)

.. Mr.N.Ramesh
Special Public Prosecutor

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COMMON ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

Challenging the proceedings in C.C.No. 24 of 2016 launched by the Enforcement Directorate under the Prevention of Money Laundering Act, 2002, against the petitioners herein, before the Special Court for CBI Cases (VIII Additional) City Civil Court, Chennai, these petitions have been filed by the accused under

Section 482 Cr.P.C.

2. Heard Mr.V.S.Venkatesh, learned counsel for the accused and Mr.N.Ramesh, learned Special Public Prosecutor for the Enforcement Directorate.

3. Though Mr.V.S.Venkatesh raised several factual and legal issues based on the order dated 27.04.2017 passed by the Appellate Tribunal for Prevention of Money Laundering Act, New Delhi, which, we did not countenance, he stated that a limited stay of the trial in C.C.No. 24 of 2016 may be granted since the accused are facing trial in C.C.No. 10 of 2011 before the XII Additional CBI Court, Chennai, launched by the Central Bureau of Investigation for the offence under Section 13(1)(e) of the Prevention of Corruption Act.

4. It is his contention that some of the witnesses in both the cases are common and when both these cases are conducted simultaneously, the accused are not able to effectively defend themselves as they are required to obtain the certified copies of the deposition and confront the witness for contradicting purpose.

5. Under normal circumstances, we would not have shown indulgence, but however, it is admitted by both sides that the trial in C.C.No. 10 of 2011 has almost culminated, inasmuch as the prosecution has completed their evidence, the accused have been questioned under Section 313 Cr.P.C, the defence have examined three witnesses, the Public Prosecutor has completed his arguments and the case is posted for the arguments of the defence.

6. In view of the aforesaid facts, we are of the opinion that if two months stay of trial in C.C.No. 24 of 2016 is granted, it would not cause any prejudice to either side especially in the light of the COVID-19 pandemic which is still looming large.

7. However, Mr.Ramesh, learned Special Public Prosecutor submitted that the prosecution has produced one witness in C.C.No. 24 of 2016, who is not an official and his examination may be permitted.

8. In our opinion, once a witness comes to the Court, he should not be sent back as that would cause inconvenience to all the parties including the witness. Therefore, we permit the examination-in-chief/cross-examination/re-examination of Mr.K.K.Kumar, by the trial Court in C.C.No. 24 of 2016 and thereafter, there shall be an order of stay of the proceedings in the trial in C.C.No. 24 of 2016 till 31.03.2021. Further, the

trial in C.C.No. 24 of 2016 shall proceed after 31.03.2021 irrespective of the fact whether the trial in C.C.No. 10 of 2011 had culminated or not.

9. With the above direction, the criminal original petitions stand closed. Consequently, connected CrI.M.P.Nos. 6278 to 6281 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Deputy Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance, Department of Revenue,
II & III Floor, "C" Block,
Murugesu Naicker Complex,
No.84, Greaves Road, Thousand Lights,
Chennai - 600 006.
- 2.The Principal Special Court for CBI Cases
(VIII Additional) City Civil Court, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.Nos. 16350 & 16354 of 2020

सत्यमेव जयते

RSV (CO)
GN(11/02/2021)

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