



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Cr1.OP.No.15286/2021

[Video Conferencing]

Rani

... Petitioner / 2nd
Accused

Versus

The Additional Superintendent of Police
CBI, ACB, Haddows Road
Shastri Bhavan, Chennai 600 006.

... Respondent /
Complainant

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the learned XII Additional Special Judge for CBI Cases, Chennai to expedite the trial proceedings pending before it in CC No.29/2017 and complete the same within a period of three months or such other period as may be determined by this Court.

For Petitioner : Mr.B.Sathish Sundar

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
[CBI Cases]

ORDER

- (1) A Report has been received from the learned XII Additional Special Judge for CBI Cases with respect to CC.No.29/2017.
- (2) The present petition has been filed seeking a direction to complete the trial in the said Calendar Case within a period of three months or within any reasonable period



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- (3) In the Report, the learned XII Additional Special Judge, has stated that in the said Calendar Case, the prosecution has listed totally 165 witnesses and has also produced 606 documents to be marked as exhibits before the Court. It is also stated that before the said Court, 21 cases are pending for trial and out of the said 21 cases, examination of witnesses had already commenced in 17 cases and they are pending as part heard stage. It is also pointed out that regular Public Prosecutor post is vacant in the said Court and the Prosecutors from the other Courts are appointed on additional charge for conducting the cases. The learned Judge also stated that he had a discussion with the learned Public Prosecutor, who stated that for examining the prosecution witnesses and marking documents, it will take about 9 to 10 months on the side of the prosecution.
- (4) The learned counsel for the petitioner stated that the petitioner herein would be cross examining only a few of the witnesses and therefore, some time limit can be given.
- (5) It is also seen from the petition that six witnesses had been examined and none of the witnesses had been cross-examined. That exhibits the attitude of the accused persons. The fault is not on the side of the prosecution. The procedure stated in the Code is that cross-examination should be conducted on the very same day.
- (6) I know it is practically impossible to do it or it has not been done. The charge against the present petitioner is one of Section 109 Cr.P.C., and the first accused is facing the charge u/s.13[1][e] of the Prevention of Corruption Act, 1988. Most strangely, the first accused who is a public servant, has not come before this Court with that particular request.
- (7) I am not inclined to fix any time limit in view of the Report of the learned XII Additional Special Judge for CBI Cases. I am confident that even without any direction, whenever the matter is taken up for trial, provided the accused cross-examine the witnesses and also provided that the witnesses are available, the learned Judge would conduct the trial without any unreasonable delay.



(8) With the above observations, the Criminal Original Petition stands dismissed.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The XII Additional Special Judge
for CBI Cases, Chennai.
- 2.The Additional Superintendent of Police
CBI, ACB, Haddows Road
Shastri Bhavan, Chennai 600 006.
- 3.The Special Public Prosecutor
CBI Cases. High Court, Madras.

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BS(CO)
SB(18/10/2021)