



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED : 18.06.2021

ORDER PRONOUNCED : 29.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.M.P.(MD) No.4002 of 2021

in Crl.O.P.(MD) No.SR11814 of 2021

WEB COPY

In Crl.M.P.(MD) No.4002 of 2021

S.Madhan

... Petitioner

vs.

State represented by
the Inspector of Police,
Central Bureau of Investigation,
ACB, Sastri Bhavan,
Chennai 600 006. FIR No.Rc.21(A)/05
dated 27.04.2005

2.The Senior Regional Manager,
Punjab National Bank Regional Office,
Kailasapuram,
Trichy.

... Respondents

PRAYER:- This Petition filed under Section 482 of the Code of Criminal Procedure, to dispense with the production of the impugned charge sheet in C.C.No.13 of 2006 dated 30.11.2006 on the file of the 2nd Additional District Judge for CBI Cases, Madurai for the present.

In Crl.O.P.(MD) No.SR11814 of 2021

N.S.Madhan

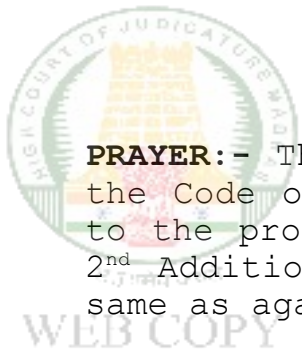
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vs.

State represented by
the Inspector of Police,
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Chennai 600 006. FIR No.Rc.21(A)/05
dated 27.04.2005

2.The Senior Regional Manager,
Punjab National Bank Regional Office,
Kailasapuram,
Trichy.

... Respondents



PRAYER:- This Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.13 of 2006 on the file of the learned 2nd Additional District Judge for CBI Cases, Madurai and quash the same as against the petitioner/accused No.5.

For Petitioner : Mr.Y.Krishnan
For Respondents : Mrs.L.Victoria Gowri
Assistant Solicitor General

ORDER

This Criminal Miscellaneous Petition is filed to dispense with the production of the impugned charge sheet in C.C.No.13 of 2006 dated 30.11.2006 on the file of the learned 2nd Additional District Judge for CBI Cases, Madurai, for the present.

2.Mr.Y.Krishnan, learned counsel for the petitioner states that he had filed a Criminal Original Petition in Crl.O.P.(MD) No.SR11814 of 2014 for quashing of the charge sheet and the same is yet to be numbered. Due to the present pandemic lock down circumstances, the petitioner is unable to get a copy of the impugned charge sheet from the Court. Therefore, he seeks to dispense with the production of the copy of the charge sheet and he seeks indulgence of this Court to number the Criminal Original Petition so that he can proceed with the arguments.

3.Mr.Y.Krishnan, learned counsel for the petitioner further submits that he has filed the rulings of the Hon'ble Supreme Court in support of his contentions to quash the charge sheet. According to the learned counsel for the petitioner, the charge sheet was laid in the year 2006. It is still pending before the Special Court for CBI Cases, Madurai. Not only that, the petitioner herein had entered into a compromise with the Bank and had settled the dues. Therefore, no purpose will be served by proceeding with the trial.

4.Mrs.L.Victoria Gowri, learned Assistant Solicitor General appearing for the respondents would submit that the case is part-heard, which is pending at

the stage of examination of the Investigation Officer. Therefore, this petition itself is not maintainable.

5.Considering the submission of the learned counsel for the petitioner and on the basis of the reply by Mrs.L.Victoria Gowri, learned Assistant Solicitor General, it is found that the case is part-heard and the Criminal Original Petition is yet to be numbered. The Criminal Original Petition is filed to quash the charge sheet on the ground that the petitioner herein had arrived at a compromise with the Bank and this Criminal Miscellaneous Petition is filed to



dispense with the production of the certified copy of the impugned charge sheet on the ground that due to the present pandemic situation, the Courts are not functioning and therefore, the petitioner is unable to get the certified copies.

6. When the certified copy of the impugned charge sheet is filed, the main Criminal Original Petition can be taken up for hearing. The Criminal Original Petition is not numbered. When the Criminal Original Petition was filed and the same is pending, charge sheet filed before the learned 2nd Additional District Judge for CBI Cases, Madurai proceeds with the trial. When the trial had commenced, it is not fair on the part of this Court to quash the same. Therefore, this Court is not inclined to entertain this petition and accordingly, the same is liable to be dismissed.

7. In the result, CrI.M.P.(MD) No.4002 of 2021 is dismissed. Consequently, connected CrI.O.P.(MD) No.SR11814 of 2021 is rejected.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The 2nd Additional District Judge,
for CBI Cases, Madurai.

2. The Inspector of Police,
Central Bureau of Investigation,
ACB, Sastri Bhavan, Chennai 600 006.

3. Mrs. Victoria Gowri,
Assistant Solicitor General,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.Y.KRISHNAN, Advocate (SR-24462[F] dated 29/07/2021)

**order made in
CrI.M.P. (MD) No.4002 of 2021
in CrI.O.P. (MD) No.SR11814 of 2021
29.07.2021**

SJ(CO)

TR(05.08.2021) 3P 5C