



CrI.O.P.No.20353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2023

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No.20353 of 2022
and CrI.M.P.No.13350 of 2022

Dr.D.Shyam Prasad

... Petitioner

Vs.

1.State Rep.by
The Superintendent of Police,
CBI/ACB/Chennai
No.26, Haddows Road,
Chennai-600 006.

2.The Deputy Superintendent of Police,
CBI/SP/CBI/ACB/Chennai,
No.26, Harassan Road,
Chennai-600 006.

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records relating to the impugned charge sheet No.22 dated 07.02.2018 (as signed) in C.C.No.6 of 2018 on the file of the XIV Additional Special Court (CBI Cases), Chennai and quash the same insofar as the petitioner herein Dr.D.Shyam Prasad-A3) is concerned.

For Petitioner : Ms.H.Mary Sowmi Rexi

For Respondents : Mr.K.Srinivasan, Senior Counsel
Special Public Prosecutor (CBI)



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ORDER

This Criminal Original Petition is filed to quash a criminal complaint pending against this petitioner before the XIV Additional Special Court (CBI Cases), Chennai, since 2018.

2. It is a case of disproportionate asset amassed by the public servant. The petitioner is the son of the public servant. Two incriminating evidence against him is made an accused in this case. Particularly, the residential property worth Rs.21,19,200/- and cash deposit in his bank account, a sum of Rs.7,31,872/- At the time of check period, this petitioner was adolescent, pursuing his MBBS course and no source of income to acquire these wealth been produced during the investigation. Hence the prosecution has presumed that it must be the money of the public servant. The trial has commenced and sofar 10 witnesses had been examined. At this stage, the quash petition is filed and pending for more than one year.

3. This Court, when the matter came up in previous occasion, directed the learned counsel to satisfy the source for acquiring these two



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wealth. However, today the learned counsel for the petitioner is not ready and seek adjournment. This Court finds that whatever the explanation available with the accused/petitioner herein, it is always open to him to produce this disputed income and prove his innocence in the course of trial. Section 482 of Cr.P.C., in the midst of trial, the Court cannot usurp the power of appreciating the evidence, which is vested with the trial Court. Hence the Criminal Original Petition is dismissed.

4. The trial Court is directed to complete the examination of the prosecution witnesses within a period of 4 months and thereafter, if necessary the defence can marshal their witnesses for adducing defence witness. The trial Court may take another two months and complete the trial preferably within a period of 8 months from today.

21.07.2023

rpl

Index: Yes/No

Speaking Order/Non Speaking Order



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Dr.G.JAYACHANDRAN, J.

rpl

To

1.The XIV Additional Special Court (CBI Cases), Chennai

The Superintendent of Police,
CBI/ACB/Chennai
No.26, Haddows Road,
Chennai-600 006.

2.The Deputy Superintendent of Police,
CBI/SP/CBI/ACB/Chennai,
No.26, Harassan Road,
Chennai-600 006.

3.The Public Prosecutor (CBI),
High Court of Madras, Chennai.

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