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CrI.R.C.No.1195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

CrI.R.C.No.1195 of 2022

and

CrI.M.P.No.13172 of 2022

Alex C.Joseph

.. Petitioner

Vs.

State through
The Inspector of Police,
CBI/ACB,
Shastri Bhavan,
No.26, Haddows Road,
Chennai-600 006.

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order dated 26.07.2022 made in CrI.M.P.No.4498 of 2022 in C.C.No.37 of 2015 on the file of the learned XIV Additional Special Court of CBI Cases, Chennai.

For Petitioner : Mr.T.Mohan, Senior Counsel
For M/s.R.Sidharth

For Respondent : Mr.B.Alexander Lenin Raja
Special Public Prosecutor (CBI)



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ORDER

This Criminal Revision Case is filed against the order passed by the trial Court dismissing the prayer of the petitioner for joint trial of three calendar cases, which are incidentally arose from single FIR, pending before the XIV Additional Special Court for CBI Cases, Chennai.

2. The learned Senior Counsel appearing for the petitioner submitted that pursuant to the FIR registered in RCMA1 2013 A 0012 pertaining to import of used foreign cars by violation of pre and post import provisions. The prosecution has completed the investigation and filed three separate final reports, which had been taken on file by the trial Court in C.C.Nos.9 and 10 of 2014 and later 3rd final report was taken on file in C.C.No.37 of 2015.

3. The learned Senior Counsel contended that the MOP alleged by the prosecution is identical and the witnesses for the prosecution is also almost same in all the three cases, except the end user of the



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imported car and buyer. For the sake of convenience as well as uniformity of the three cases, they have to be tried jointly or else it will cause prejudice.

4. The learned Special Public Prosecutor for CBI submitted that as far as C.C.No.37 of 2015 is concerned, the period of offence is different and the trial has almost reached the finality and the cases are listed for cross examination of Investigating Officer. In respect of other two C.C.Nos.9 & 10 of 2014, the trial has just commenced, but they are at different stages, where C.C.No.9 of 2014 has progressed ahead of C.C.No.10 of 2014 by examining seven witnesses as against three witnesses in the later case. Therefore, if the joint trial is ordered it will further delay the conclusion of the cases which is already old for more than 10 years.

5. The perusal of the impugned order passed by the trial Judge indicates that the learned Special Public Prosecutor representing the CBI has recorded his consent for clubbing C.C.Nos.9 and 10 of 2014, which



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are nascent stage of trial, but had recorded objection for clubbing C.C.No.37 of 2015 along with C.C.No.9 of 2014.

6. For the reason stated above, this Court finds valid reason and justification of the order passed by the trial Court and therefore, finds no merit in this petition challenging the trial Court order. However it is made clear that the trial Court shall proceed with the trial of C.C.Nos.9 and 10 of 2014 by taking simultaneous trial if joint trial is not possible at this stage due to completion of examination of few more witnesses in C.C.No.9 of 2014.

7. In the result, this Criminal Revision Case is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

17.07.2023

Internet : Yes/No

Index: Yes/No

rpl



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To
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- 1.The XIV Additional Special Court of CBI Cases, Chennai.
- 2.The Inspector of Police,
CBI/ACB,
Shastri Bhavan,
No.26, Haddows Road,
Chennai-600 006.
- 3.The Public Prosecutor (CBI)
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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