



Crl.O.P.No.17598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17598 of 2023

and

Crl.M.P.No.11533 of 2023

Purnavathi

W/o.Late V.Ranga Rao

.. Petitioner

Vs.

1.The State of Tamil Nadu represented by
The Inspector of Police,
CCB-I, Chennai District,
Chennai.
(Crime No.116 of 2019).

2.K.J.Shobana

D/o.Komandur Janardhanan

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the Special Court for CCB & CBCID Cases, Egmore, Chennai to include the second respondent as accused in C.C.No.29 of 2021.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]

ORDER



CrI.O.P.No.17598 of 2023

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This Criminal Original Petition has been filed for a direction to the Court below to include the second respondent as an accused in the pending proceedings in C.C.No.29 of 2021 on the file of Special Court for CCB & CBCID Cases, Egmore, Chennai.

2. Heard Mr.S.N.Subramani, learned counsel appearing for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of first respondent.

3. Adding a person as an accused under Section 319 Cr.P.C., is exclusively within the jurisdiction of the trial Court. The trial Court has to be satisfied that there is more than a *prima facie* case as against the person in order to include such a person as an accused. Law on this issue has been settled by the Apex Court in the case in ***Hardeep Singh v. State of Punjab and others [2014 (3) SCC 92]***.

5. In view of the above, this Court cannot exercise its jurisdiction



CrI.O.P.No.17598 of 2023

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u/s.482 Cr.P.C. and direct the trial Court to add anyone as an additional accused. It is left open to the trial Court to take a decision in this regard depending upon the materials placed before the Court. Except giving this clarity, no further orders can be passed in this Criminal Original Petition.

Accordingly, this Criminal Original Petition is disposed of.
Consequently, the connected miscellaneous petition is closed.

14.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
gm / mjs

To

1. The Judicial Magistrate,
Special Court for exclusive of CCB & CBCID cases, Chennai.
2. The Inspector of Police,
CCB-I, Chennai District,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.17598 of 2023

N.ANAND VENKATESH, J

gm / mjs

Crl.O.P.No.17598 of 2023

14.08.2023