



CRL.R.C.(MD).No.638 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD).No.638 of 2023
in
Crl.M.P.(MD)No.9016 of 2023

R.Christopher

: Petitioner

Vs.

State rep.through
the Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Kanyakumari District,
Nagercoil.

: Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397(1) r/w 401 of Cr.P.C, to call for the records and to set aside the order passed in C.M.P.No.2314 of 2023, dated 13.04.2023 in Spl.Case No.1 of 2010 pending on the file of the learned Special Judge cum Chief Judicial Magistrate, Nagercoil.

For Petitioner : Mr.G.Ramanathan

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.



CRL.R.C.(MD).No.638 of 2023

ORDER

WEB COPY

This Criminal Revision Petition is directed against the order passed in C.M.P.No.2314 of 2023, dated 13.04.2023 in Spl.Case No.1 of 2010 pending on the file of the learned Special Judge cum Chief Judicial Magistrate, Nagercoil, dismissing the petition filed under Section 243 Cr.P.C.

2. The petitioner is the sole accused in Spl.Case No.1 of 2010 and is facing trial under Section 7 r/w 13(1)(d) of Prevention of Corruption Act.

3. It is not in dispute that the prosecution has already examined 24 witnesses and the prosecution evidence was closed and that thereafter, the petitioner has filed a list of defence witnesses, seeking permission to examine four witnesses on his side and three of them have already been examined and that thereafter, the petitioner has closed his defence side evidence. When the matter is pending for argument, the above application came to be filed seeking permission to examine one another witness by name Murugan. The learned counsel for the petitioner would submit that at the time of occurrence, there was a fight between the petitioner and P.W.



CRL.R.C.(MD).No.638 of 2023

2 and the same was witnessed by the proposed witness Murugan. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner has already examined two witnesses D.W.2 and D.W.3 for the very same purpose, i.e., witnessing the alleged occurrence.

4. The learned counsel for the petitioner would submit that for the purpose of strengthening his case, he has filed the above case to examine the said Murugan.

5. The learned Special Judge has rightly relied on the judgment of the Hon'ble Supreme Court in *Arivazhagan Vs. State* reported in **2000 SCC CRI 638**, and the relevant passage is extracted hereunder :

“It is thus noticeable that one of the main objects sought to be achieved through insertion of Section 7A was speedy trial for cases relating to the problem of corruption. When we read Section 22 of the PC Act which requires a particular procedure to be followed relating to the filing of list of witnesses and documents for the defence, it must be borne in mind that the legislative intent for the aforesaid change in the procedure is mainly for achieving expeditiousness of the trial. It is true that the concept of speedy trial must apply to all trials, but in the trials for offences relating to corruption the pace must be accelerated with greater momentum due to a variety of reasons.

Parliament expressed grave concern over the rampant ever-



CRL.R.C.(MD).No.638 of 2023

WEB COPY

growing corruption among public servants which has been a major cause for the demoralisation of the society. When corrupt public servants are booked they try to take advantage of the delay prone procedural trammels of our legal system by keeping the penal consequences at bay for a considerable time. It was this reality which impelled the Parliament to chalk out measures to curb procrastinating procedural clues. Section 22 of the P.C. Act is one of the measures evolved to curtail the delay in corruption cases. So the construction of Section 243(1) of the Code as telescoped by Section 22 of the PC Act must be consistent with the aforesaid legislative intent.”

6. To counter this, the learned counsel for the petitioner has relied on the decision of Chhattisgarh High Court in ***Lalit Kumar Panigrahi Vs State of Chhattisgarh*** reported in ***2014 CRI L J 2794*** and wherein, the High Court has held that three persons sought to be examined are relevant witnesses, which cannot be refused.

7. In the present case, the petitioner has already examined two witnesses. As rightly contended by the learned Additional Public Prosecutor, the petitioner has not given any detail about the purpose, for which, the proposed witness is sought to be examined and he has not offered any reason or explanation for not citing the proposed witness



CRL.R.C.(MD).No.638 of 2023

earlier in the list of witnesses and not examining the proposed witness earlier. The learned trial Judge, after considering the issues elaborately has come to the decision that the above petition came to be filed only to protract the proceedings. Considering the facts and circumstances of the case, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

8. In the result, the Criminal Revision is dismissed. Since the Special Case is pending from 2010 onwards, the learned Special Judge is directed to dispose of the case within one month from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

26.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



WEB COPY



CRL.R.C.(MD).No.638 of 2023

K.MURALI SHANKAR, J.

das

To

- 1.The Special Judge cum Chief Judicial Magistrate,
Nagercoil.
- 2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.R.C.(MD).No.638 of 2023
in
Crl.M.P.(MD)No.9016 of 2023

26.06.2023