



Crl.R.C.No.295 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.02.2024

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.295 of 2024

V.Rajaraman

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore, Vellore District.

(Crime No.15 of 2010)

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, pleased to call for the entire records relating to the order made in C.M.P.No.10398 of 2023 in Spl.C.C.No.4 of 2013, dated 12.10.2023 on the file of the learned Chief Judicial Magistrate, Vellore and set aside the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



CrI.R.C.No.295 of 2024

ORDER

The Criminal Revision Case has been filed seeking to set aside the order passed by the learned Chief Judicial Magistrate, Vellore, in C.M.P.No.10398 of 2023 in Spl.C.C.No.4 of 2013, dated 12.10.2023.

2. Mr.C.Prakasam, the learned counsel appearing for the petitioner submitted that the petitioner is the sole accused facing trial in Spl.C.C.No.4 of 2013 on the file of the learned Chief Judicial Magistrate, Vellore. He further submitted that the evidence on the side of the prosecution has been completed and the petitioner has filed a petition seeking permission to examine one Rita Francis, who was the Personal Assistant to the Collector during the relevant time of trap, as a defence witness. He further submitted that while the said Rita Francis was the Personal Assistant to the Collector, she had already dealt with the files relating to the case of the petitioner and she was fully aware as to what had happened during trap and she was also aware that the complainant in the trap case is a Court Bird and he had always been against the Government Employees and thereby, she has to be necessarily examined. Whereas, the trial Court, without taking into consideration the necessity, had dismissed the application filed in C.M.P.No.10398 of 2023.

3. Learned Government Advocate (Criminal Side) for the respondent



submitted that other than being the Personal Assistant to the Collector during the relevant period, the said Rita Francis had nothing to do with the case. He further submitted that the petitioner has not clearly stated as to what are the documents required to be summoned under Section 91 Cr.P.C. and for what purpose, she has to be examined. The trial Court rightly finding that the petition had been filed without any cause and had been filed only to protract the trial, had dismissed the same. He also submitted that the evidence of the prosecution has been completed as early as 15.02.2022 and the petition in C.M.P.No.10398 of 2023 has been filed belatedly to delay the progress and despite the petition being dismissed on 12.10.2022, the present revision case has also been filed with delay.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

5. The petition has been filed by the petitioner under Section 233 Cr.P.C. seeking permission to summon one Rita Francis to be examined as a witness on the defence side. The petitioner claims that the said Rita Francis was working as a



Crl.R.C.No.295 of 2024

Personal Assistant to the Collector during the trap and thereby, she is aware of the entire files. However, in the petition, no mention has been made with regard to the files which are stated to be summoned under 91 Cr.P.C. and the reason why the said Rita Francis has to be examined. The accused has been charged with the offence under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. The witnesses for the prosecution PW1 to PW11 had been examined and the examination of the witnesses had been closed as early as 15.02.2022. Though the petitioner had stated that some relevant documents have to be called for, he has not made any reference to the document called for and has also not specifically stated the reason for summoning the said Rita Francis and further, the petition has been filed belatedly. Further, though the petition has been dismissed by the trial Court as early as 12.10.2023, the present Revision Case has been filed only on 01.02.2024 at the fag end of limitation period.

6. It is also seen from the record that the petitioner had earlier approached this Court in Crl.O.P.No.7625 of 2023 seeking a direction to the learned Chief Judicial Magistrate, Vellore District to conclude the trial and this Court, by an order dated 11.04.2023, had directed the learned trial Judge to complete the trial as expeditiously as possible, preferably within a period of three months from the



Crl.R.C.No.295 of 2024

date on which the learned Magistrate takes charge.

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7. In view of the above facts and circumstances, it is seen that the conduct of the petitioner is only to delay the trial and not for another valid reason. The trial Court, having carefully gone through the entire materials on record, had dismissed the application. Further, this Court does not find any illegality or infirmity in the order passed by the trial Court.

8. In the result, the Criminal Revision Case stands dismissed. However, the learned Chief Judicial Magistrate, Vellore is directed to complete the trial at the earliest.

20.02.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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Crl.R.C.No.295 of 2024

A.D.JAGADISH CHANDIRA, J.

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To

1. The Chief Judicial Magistrate, Vellore.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore, Vellore District.
3. The Public Prosecutor,
High Court of Madras.

Crl.R.C.No.295 of 2024

20.02.2024