



WEB COPY



CRL.O.P.No.19587 of 2024
and Crl.M.P.No.11463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2024

CORAM : JUSTICE N.SESHASAYEE

CRL.O.P.No.19587 of 2024
and
Crl.M.P.No.11463 of 2024

L.Thiruvengada Murthy

... Petitioner

Vs.

CBI, Special Crime Branch
III Floor, A-Wing
Rajajibhavan
Chennai - 90

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for records of the entire proceedings against the petitioner in C.C.No.04 of 2011 dated 13.01.2011 for the alleged offences under Sections 120B, 420, 467, 468, 471 and 476 of IPC and Section 13(1)(d) r/w 13(2) of PC Act, 1988 on the file of the XI Additional Special Court for CBI cases at George Town, Chennai and quash the same.

For Petitioner : Mr.T.Annaamalai

For Respondent : M.K.Srinivasan
Special Public Prosecutor (CBI)



WEB COPY



CRL.O.P.No.19587 of 2024
and Crl.M.P.No.11463 of 2024

ORDER

This petition is preferred by the 3rd accused seeking to quash the charges framed in C.C.No.4 of 2011, on the file of the XI Additional Special Court for CBI Cases, on the ground that the evidence thus far made available by the prosecution during the trial does not disclose his involvement in the case.

2. Mr.K.Srinivasan, the learned Special Public Prosecutor for CBI Cases submits that the trial of the case has concluded and two of the co-accused of the petitioner too have completed their arguments. He added that the petitioner herein had earlier preferred Crl.O.P.Nos.5107 and 5084 of 2019 seeking the same relief, which later came to be dismissed by this Court on 23.04.2019. Therefore, the second petition for the same relief is not maintainable. To substantiate his argument, he relied on ***Bhisham Lal Verma Vs State of Uttar Pradesh and another*** [(2023 SCC online SC 1399)]

3.At this juncture, the learned counsel for the petitioner submitted that only



CRL.O.P.No.19587 of 2024
and CrI.M.P.No.11463 of 2024

WEB COPY

after filing of the above quash petition, the arguments of the co-accused have commenced.

4.1 On evaluating the rival submissions and the stage of the case, this Court considers that except the confidence of the petitioner to sustain this petition, there is precious little for this Court to come to the aid of the petitioner. For quashing the charges or the final report, the stage is set prior to the commencement of trial. And this stage having been passed and the arguments of the parties having commenced, it is not appropriate for the petitioner to seek quash of the said proceedings. This Court having found that the earlier CrI.O.P. filed by the petitioner was dismissed, it has no other option than to dismiss the present petition.

4.2 Now, it is time where the petitioner might have to work for his honourable exit from the criminal liability that he faces, for which he has to only participate in the remainder part of the case. This Court, therefore, finds no merit.



CRL.O.P.No.19587 of 2024
and Crl.M.P.No.11463 of 2024

WEB COPY

5. This Criminal Original Petition stands dismissed accordingly.

Consequently, the connected miscellaneous petition is closed.

16.08.2024

kas/ds

To

1.The XI Additional Judge
Special Court for CBI cases
George Town
Chennai.

2.CBI, Special Crime Branch
III Floor, A-Wing
Rajaji Bhavan
Chennai – 90.



WEB COPY



CRL.O.P.No.19587 of 2024
and Crl.M.P.No.11463 of 2024

N.SESHASAYEE, J.

kas

CRL.O.P.No.19587 of 2024
and Crl.M.P.No.11463 of 2024

16.08.2024