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Crl.O.P.No.21435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM : JUSTICE **N.SESHASAYEE**

Crl.O.P.No.21435 of 2024

A.M.Sivashankar

... Petitioner / Accused 5

Vs.

State Rep by its  
The Assistant Commissioner of Police  
IUCAW, Central Crime Branch  
Vepery, Chennai - 600 007.

... Respondent / Complainant

**Prayer :** Criminal Original Petition filed under Section 482 Cr.P.C.,  
praying to direct the Special Court for the Cases under PC Act, Chennai to  
eschew the inadmissible portion of deposition of P.W.10 dated 23.08.2024  
in C.C.No.2 of 2021 on the file of the Special Court for the Cases under PC  
Act, Chennai.

For Petitioner : Mr.R.Vivekananthan

For Respondent :Dr.C.E.Pratap  
Government Advocate [Crl. Side]



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### **ORDER**

This petition is preferred by A5 in C.C.No.2 of 2021 before the Special Court for Prevention of Corruption Act, 1988, Chennai, to eschew a portion of evidence of P.W.10, where he has reproduced the entire confession statement alleged to have been given by the accused during investigation. And the entire objectionable portion of P.W.10's chief examination is extracted in paragraph No.3 of the petition.

2. Heard both sides. This Court finds that except so much of confession statement that would lead to discovery of a fact alone are admissible under Section 27 of the Evidence Act as well as under Rule 42(13) of Criminal Rules of Practice.

3. This Court is satisfied that the extracted portion if it reflects that it should not have been made a part of the evidence. Instead of eschewing it, this Court now directs the trial Court to go through the entire evidence, put the prosecution on notice and eschew all portions which are barred under Section 25 of the Evidence Act, and only retain so much of evidence which will fall within Section 27 of the Evidence Act.



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4. The petition is accordingly disposed of.

03.09.2024

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

Note : Issue order copy on 05.09.2024

To:

1. The Judge

Special Court for Prevention of Corruption Act  
Chennai.

2. The Assistant Commissioner of Police

IUCAW, Central Crime Branch  
Vepery, Chennai - 600 007.



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N.SESHASAYEE.J.,

ds

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