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CRL.R.C.No.2239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

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MR.JUSTICE N.SESHASAYEE

Crl.R.C.No.2239 of 2024

C.Samuel Johnson

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
City Special Unit-I
Vigilance and Anti-Corruption
Chennai

... Respondent

Prayer: Revision Case filed under Section 438 r/w 442 of BNSS Act, 2023, to call for the records and set aside the order dated 21.11.2024 in Crl.M.P.No.730 of 2024 in C.C.No.13 of 2014 pending on the file of the Special Court for the Cases under the Prevention of Corruption Act, Chennai, and consequently direct the Special Court for the Cases under the Prevention of Corruption Act, Chennai to recall and reopen the cross-examination of PW.7.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)



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ORDER

The present revision is directed against an order passed by the learned trial Judge in CrI.M.P.No.730 of 2024 in C.C.No.13 of 2014, on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai.

2.The revision petitioner is being tried for offence U/s.7 r/w 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The trial is now underway, and PW.7 is being examined. It appears that during the cross examination of PW.7, he had made certain references to entries in the General Diary (G.D.) of the 1st respondent. The petitioner would now file CrI.M.P.No.730 of 2024 seeking for an extract of the G.D. for the dates which PW.7, T.L.O has mentioned in his cross examination. Acting on the response of the 1st respondent that there are no such entries in the G.D. File, the trial Court dismissed it.

3.This order is now under challenge.



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4. Heard both sides. This Court is bit amused from where the petitioner gets a right to seek extract of G.D. It is absolutely appropriate for the petitioner to cross examination the T.L.O. vis-a-vis the entries in the G.D. However, it is for the Court to verify it to satisfy its conscience while appreciating the evidence. Here the Court is not expected to act solely on the statement of the prosecution that there are no entries. Indeed, if it considers it necessary to satisfy its conscience, the trial Court shall summon the G.D and should personally satisfy about the same. The approach of the trial Court requires certain degree of intervention. So far as the petitioner is concerned, his strategy is bad and so far as the trial Court is concerned, it appears to short circuit its own responsibility in satisfying its conscience by relying exclusively on the statement of the prosecution.

5. This Criminal Revision Case is accordingly disposed of with a direction to the trial Court to act in terms of what is herein above indicated. The learned counsel for the petitioner submitted that the cross



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N.SESHASAYEE, J.

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examination of T.L.O. to that extent is incomplete, and he may have to be recalled. The petitioner is at liberty to work out his remedies before the trial Court.

10.12.2024

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Index : Yes / No

Neutral Citation

To

1.The Special Court for the Cases under the
Prevention of Corruption Act
Chennai

2.The Inspector of Police
City Special Unit-I
Vigilance and Anti-Corruption
Chennai

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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