



Crl.O.P.No.18214 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.18214 of 2025

S.Mohan,
S/o.Sinnu Naidu,
No.14, Thalayari Street,
West Mambalam, Chennai - 600 033. .. Petitioner

Versus

State, by
Deputy Superintendent of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption, Chennai. .. Respondent

Prayer : Criminal Original Petition filed under Section 407 of Cr.P.C./448 of BNSS to withdraw the case in C.C.No.33 of 2011 pending on the file of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Chennai and transfer the same to any other competent Court of law having jurisdiction.

For Petitioner : Mr.R.John Sathyan,



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Senior Counsel,
for Mr.K.Rahul

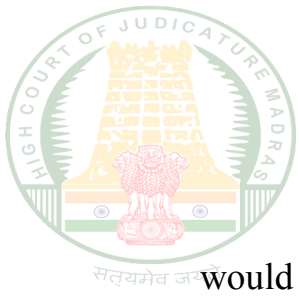
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed with a prayer to withdraw the case in C.C.No.33 of 2011 pending on the file of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Chennai and transfer the same to any other competent Court of law having jurisdiction.

2. Heard *Mr.R.John Sathyan*, learned Senior Counsel for the petitioner and *Mr.S.Udayakumar*, learned Government Advocate (Crl. Side) for the respondent.

3. The learned Senior Counsel for the petitioner, by pointing out to certain adjudications in the case, would submit that the orders by itself



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would smack that the Trial Court is proceeding in a biased and pre-determined manner. The opportunities which had to be given lawfully, were not given. The Court is not affording fair opportunity to the accused in the case. Even the application filed under Section 91 of the Code of Criminal Procedure was disallowed and immediately, the matter was posted for arguments and without even affording one opportunity, now the matter stands posted for judgment tomorrow i.e., on 26.06.2025.

4. The learned Senior Counsel for the petitioner would also submit that in view of repealing of the earlier Code of Criminal Procedure and coming into force of Bharatiya Nagarik Suraksha Sanhita, 2023, as per Sections 8(7) and 8(8), the Sessions Cases under the Prevention of Corruption Act, 1988 can only be tried by the Additional Sessions Court and the jurisdiction of the Trial Court itself now stands ousted. Therefore, when, in respect of all the other pending cases throughout the State of Tamil Nadu, the matters are being transferred to the competent Courts, the present Court



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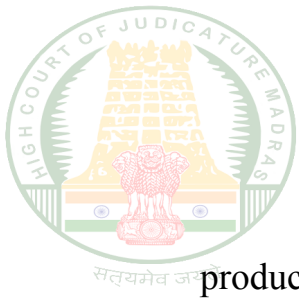
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alone is hurriedly proceeding further with the matter. The learned Senior Counsel for the petitioner would also draw the attention of the Court to the Office Memorandum, dated 29.05.2025 issued by the Registrar General, in this regard.

5. It is also brought to the notice of this Court that concerned Court will be upgraded shortly as there is a proposal to upgrade the said Court also. When all these things are to happen very shortly, there is no tearing hurry or necessity for the Trial Court to proceed with the matter hastily that too by denying an opportunity to the accused.

6. I have considered the said submissions made by the learned Senior Counsel for the petitioner and perused the material records of the case.

7. At the outset, with reference to the allegations of bias that is made against the Presiding Officer, I am of the view that the materials that are

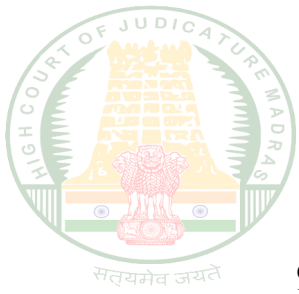


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produced and are relied upon are not enough to presume any undue bias on the part of the Judicial Officer. All that can be seen is that the occurrence is of the year 2008 and the Calendar Case is of the year 2011. Therefore, the matter is proceeded further quickly. Already, 17 years have gone by and therefore, the Trial Court cannot be found fault with merely because it is proceeding with the matter quickly.

8. As far as the contention of the learned Senior Counsel for the petitioner relating to the jurisdiction is concerned, as rightly pointed by the learned Government Advocate (Crl. Side) for the respondent, the Official Memorandum itself, in paragraph No.3, categorically directs the Courts to continue to try the cases that are filed upto 30.06.2024 in the respective units. In view thereof, since, as on date, there is no order of upgrading of the Court or transferring the matter, there is justification for the Trial Court to proceed with the case.



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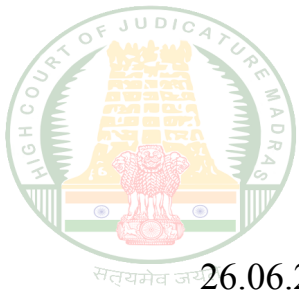
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9. However, in any event, the right to argue is a valuable right and even though, in this case, it can be contested by the prosecution that the accused did not avail the opportunity, since still there is scope for giving such an opportunity as the judgment has not been delivered, I am of the view that one more opportunity can be granted to the learned Counsel for the accused to argue the matter. The opportunity provided by this Court will be the final opportunity and the accused cannot drag on the matter further by taking advantage of the opportunity. Arguments, if any, of the other accused can also be heard.

10. Therefore, this Criminal Original Petition is ordered on the following terms:-

(i) The prayer to withdraw the case in C.C.No.33 of 2011 from the file of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Chennai stands negatived;

(ii) However, C.C.No.33 of 2011 is reopened for arguments on



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26.06.2025 and the learned Counsel for the accused is given one more opportunity and they shall argue tomorrow itself i.e., on 26.06.2025 without fail;

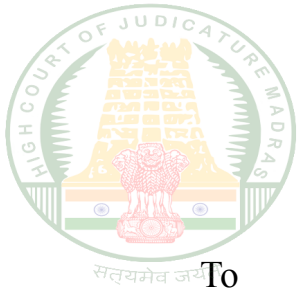
(iii) It is brought to the notice of the Court that the second accused is in the hospital attending to his wife. If he is not in a position to be present in the Court tomorrow, his presence can be dispensed with upon filing of a due application and the arguments can be made by the learned Counsel on tomorrow i.e., on 26.06.2025.

(iv) The Trial Court is requested to consider the arguments made by the learned Counsel for the accused and thereafter, consider the matter in accordance with law.

25.06.2025

Neutral Citation : no
grs

Note:- Issue order copy today (25.06.2025).



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To
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1. The Special Judge for Trial of Cases
under the Prevention of Corruption Act, Chennai.
2. The Deputy Superintendent of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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