



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 8907 of 2026

AND

CRL MP NOs. 6475 & 6476 OF 2026

WEB COPY

S.George
S/o S.M.Pillai,
No.108, HIG Moggapair West,
Nolambur,
Chennai.

..Petitioner(s)

Vs

CBI, AC-III,
New Delhi.

..Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 CrPC /528 of BNS, praying to set aside the order dated 17.12.2025 in CrI.SR.No.12362 of 2025 and consequently direct the Special Court No.I, for Member of Parliament/Member of Legislative Assembly Cases, Chennai to either remove the persons cited as prosecution witnesses whose section 161 CrPC statements have not been furnished to the petitioner or provide section 161 CrPC statements of all the Prosecution Witnesses whom the prosecution proposes to examine as witnesses in compliance of section 173(5) CrPC and section 207 CrPC in CC.No.16 of 2024.

For Petitioner(s):

Mr.Anantha Krishna. KP

For Respondent(s):

MR.K.SRINIVASAN - Special Public Prosecutor
For CBI Cases

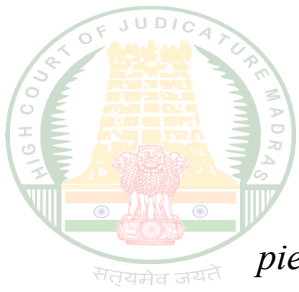


Order

WEB COPY

This Criminal Original Petition is filed to set aside the order dated 17.12.2025 in Crl.Sr.No.12362 of 2025 and, consequently, direct the learned Special Court No.I, for Member of Parliament/Member of Legislative Assembly Cases, Chennai, either to remove the persons cited as Prosecution Witnesses whose statements under Section 161 Cr.P.C. have not been furnished to the petitioner or provide section 161 CrPC statements of all the Prosecution Witnesses whom the prosecution proposes to examine as witnesses in compliance of section 173(5) CrPC and section 207 CrPC in CC.No.16 of 2024.

2.The petitioner is arrayed as Accused No.20 in C.C.No.16 of 2024 on the file of the learned Sessions Judge, Special Court No.I, for trial of Criminal cases related to elected Members of Parliament/Members of Legislative Assembly Cases, Chennai. In compliance with Section 207 Cr.P.C., the petitioner, being the 20th accused, was furnished with the copies of witness statements, documents, and charge sheet. However, some of the witness statements recorded by the respondent police under Section 161(3) Cr.P.C. were not furnished to the petitioner. Only those witness statements that were recorded along with the documents annexed to the charge sheet, were furnished to all the accused. At this juncture, the petitioner filed a memo seeking the following reliefs:



WEB COPY

“1.To return the pen drive and verify every document and piece of evidence sought to be furnished to the accused. Only such an exercise can ensure compliance with Section 207 Cr.P.C. in its letter and spirit.

2.The respondent ought to furnish the data and report relating to the extraction of documents/files from the material objects seized from the petitioner's premises on 05.09.2018.

3.The prosecution/respondent herein to furnish certified hard copies of all witness statements as ordered by this Hon'ble Court.

4.The respondent/investigating agency to furnish the Memo of Evidence detailing the list of documents not relied upon, as already ordered by this Hon'ble Court.

5.The respondent/investigating agency to delete the names of the witnesses for whom no statements were recorded under Section 161(3) Cr.P.C., namely PW12 to PW15, PW36 to PW45, PW67, PW120, PW168 to PW220, PW222 to PW227, PW229 to PW251, and PW253 to PW277.

6.To pass such further or other orders as this Hon'ble Court may deem fit and proper in the interest of justice and to ensure a fair trial.”

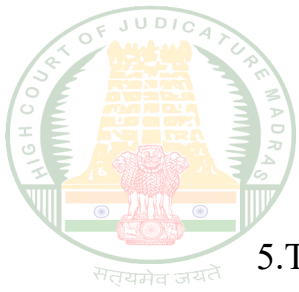


However, the said memo was rejected by the trial Court by order dated 17.12.2025.

WEB COPY

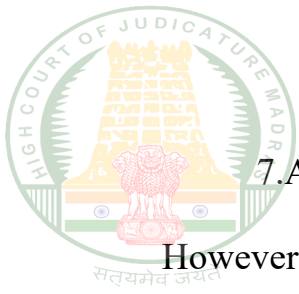
3.The learned counsel for the petitioner submits that the petitioner ought to be afforded an opportunity to scrutinise all the documents filed by the respondent and effectively contest the case. The petitioner has a right to a fair investigation and a fair trial, which includes the right to scrutinise the materials relied upon by the prosecution. Though the prosecution has stated in the final report that 278 persons have been cited as witnesses, the statements of 127 prosecution witnesses have not been recorded. Therefore, the prosecution has failed to furnish all the statements and documents in compliance with the provisions of Section 207 Cr.P.C. It was incumbent upon the trial Court to furnish all the documents to the accused to ensure a fair trial, which is an integral facet of the protection guaranteed under Article 21 of the Constitution of India.

4.On a perusal of the records and the submissions made by the petitioner, it is evident that though the prosecution has cited 278 witnesses in the list of witnesses, the respondent has not recorded the statements of certain witnesses under Section 161(3) Cr.P.C. However, all the witness statements that were recorded, along with the documents annexed to the charge sheet, have already been furnished to the petitioner.



5.The statements of certain witnesses, namely PW12 to PW15, PW36 to PW45, PW67, PW120, PW168 to PW220, PW222 to PW227, PW229 to PW251, and PW253 to PW277, were not recorded by the prosecution on the ground that they were intended only to speak to the documents annexed to the charge sheet. For example, the Sanctioning Authority has been cited as a witness to speak about the sanction order; therefore, no statement was recorded from the Sanctioning Authority. Similarly, the statement of the Investigating Officer was not recorded, as he would depose regarding the investigation conducted by him.

6.Therefore, all the statements recorded by the prosecution, along with all the documents relied upon by the prosecution have been furnished to the accused in compliance with under Section 207 Cr.P.C. If any recorded statements had not been furnished to the accused, it would amount to a denial of a fair trial. However, in the present case, the prosecution did not record the statements of certain witnesses. Therefore, the petitioner cannot compel the prosecution to record the statements of those witnesses. Hence, the trial Court has rightly rejected the memo filed by the petitioner. This Court finds no illegality or infirmity in the order passed by the trial Court.



7. Accordingly, this Criminal Original Petition stands dismissed.

However, the petitioner is at liberty to raise the said ground as a defence before the trial Court in accordance with law. The trial Court is directed to proceed with the trial and complete the same, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

24-06-2026

AH

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. CBI, AC-III,
New Delhi.

2. The Sessions Judge,
Special Court No. I, for trial of Criminal Cases
related to elected members of Parliament and
Members of Legislative Assembly of Tamil Nadu,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 8907 of 2



G.K.ILANTHIRAIYAN J.

AH

**CRL OP No. 8907 of 2026
AND
CRL MP NO. 6475 OF 2026, CRL MP NO. 6476 OF 2026**

24-06-2026