

R.Venkatesan Vs. State

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Court : Chennai

Decided On : Jul-03-2013

Judge : T.Sudanthiram

Appellant : R.Venkatesan

Respondent : State

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED :

03. 07.2013 CORAM THE HON'BLE MR.JUSTICE T.SUDANTHIRAM
CRL.R.C.No.833 of 2013 R.Venkatesan .. Petitioner / A.1 .. Vs .. State
represented by, The Inspector of Police, SPE:CBI/ACB, Chennai
R.C.No.42(A)/2004. .. Respondent / Complainant Prayer:- Criminal Revision Case
filed under Section 397 r/w. 401 of the Code of Criminal Procedure, praying to call
for the records from the file of the learned XI Additional Special Judge for CBI
Cases, Chennai, in C.C.No.7 of 2007 and to set aside the order of the trial Court in
Crl.M.P.No.1737 of 2012 and direct the trial Court to amend the charges or to
frame appropriate charge without any error. For Petitioner :
Mr.A.V.Somasumdaram for M/s. Lakshmipriya Associates For Respondent :
Mr.N.Chandrasekaran, Special Public Prosecutor for CBI Cases. - - - - -

ORDER

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order dated 04.06.2013 passed by the learned XI Additional Special Judge for CBI Cases, Chennai, in CrI.M.P.No.1737 of 2012 in C.C.No.7 of 2007 and to direct the learned trial Judge to amend the charges or to frame appropriate charge without any error.

2. The learned counsel for the petitioner submitted that originally, charges were framed against the accused on 30.08.2007 and those charges were amended on 07.06.2012 by the trial Court. Thereafter, the petitioner filed a petition in July 2012 under Section 216 Cr.P.C., to alter the charges once again. The said petition filed by the petitioner in CrI.M.P.No.1737 of 2012 was dismissed by the trial Court. Challenging the said order, the petitioner had preferred this Criminal Revision Case before this Court.

3. The learned counsel for the petitioner further pointed out that in the amended charge No.5, it had been wrongly mentioned that bills were purchased by A.1 and A.5 during the period from 1997 to 2004 and such amendment would cause prejudice to the petitioner. Hence, the petitioner filed an application to alter the charge No.5 framed on 30.08.2007.

4. This Court considered the submissions made by the learned counsel for the petitioner and perused the records.

5. According to the prosecution, the petitioner/A.1, who is an Industrial Development Officer of Indian Bank, Guindy Branch, Chennai, conspired with A.2 to A.4 and in pursuance of the said conspiracy, the petitioner and the fifth accused facilitated A.4 Premier Data Products to avail credit facilities by submitting forged documents and forged bills and thereby caused loss of more than a Crore to the Indian Bank. Forty six forged supply bills were submitted by Accused Nos.2 and 3 to the Bank and only on the direction and instruction of the petitioner, those bills were purchased by the officials of the Indian Bank. Originally, charges were framed against the accused on 30.08.2007 and after examining a few witnesses, charges were amended on 07.06.2012. The petitioner filed a petition under Section 216 Cr.P.C. and as per the said petition, the prayer made by the petitioner is to amend the charges framed on 30.08.2007.

6. The trial Court, after hearing the learned counsel appearing for the petitioner and also the learned Public Prosecutor appearing for the respondent, and upon perusing all the records including the charges framed earlier and the amended charges of T.SUDANTHIRAM, J.

in the case, passed an order dismissing the petition filed by the petitioner by stating that there was no mistake of fact or any mistake of law and that the contentions raised by the petitioner were part of his defence and as such, charges need not be amended as claimed by the petitioner.

7. This Court is of the view that the orders amending the charges and refusing to amend the charges are all only interlocutory orders and as such, no revision lies against the same being barred under Section 397 (2) of Cr.P.C. Hence, this Criminal Revision Case is dismissed. In To 1. The XI Additional Special Judge for CBI Cases, Chennai.

2. The Inspector of Police, SPE:CBI/ACB, Chennai.

3. The Special Public Prosecutor for CBI Cases, High Court Madras

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