A. Radhakrishnan Vs. Inspector of Police, Vigilance and Anti-Corruption Police Unit, Puducherry

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Court : Chennai

Decided On : Jun-20-2016

Judge : R. Subbiah

Appeal No. : Crl.R.C.No. 114 of 2016 & Crl.M.P.No. 788 of 2016

Appellant : A. Radhakrishnan

Respondent : Inspector of Police, Vigilance and Anti-Corruption Police Unit, Puducherry

Judgement :

(Prayer: Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C. to call for the records in Crl.M.P.No.851 of 2015 in Spl.C.C.No.16 of 2015 on the file of the Special Court, Puducherry and set aside the order dated 22.12.2015.)

1. Challenging the order of dismissal of the discharge petition filed under Section 239 Cr.P.C., passed by the trial Court in Crl.M.P.No.851 of 2015 in Spl.C.C.No.16 of 2015, by order dated 22.12.2015, the petitioner has filed this Criminal Revision Petition.

2. The case of the prosecution is briefly stated hereunder:

(a) The petitioner herein is A-3 (Radhakrishnan) in Spl.C.C.No.16 of 2015. A-1 Shanmugasundaram, who was working as Lower Division Clerk-cum-Cashier in Revenue-III Sub-Division of Division IX of the Electricity Department, Puducherry, misappropriated the Revenue collection amount to the tune of Rs.68,13,948/- without remitting the same in the Government Account during the period while he was working in the said office from 06.08.2004 to 05.05.2005. Hence, the concerned official of the Electricity Department filed a complaint on 09.05.2005 against A-1 in Odean Salai Police Station, which was registered in Crime No.116 of 2005 on 09.05.2005 for the offence under Section 409 IPC read with Section 34 IPC. The investigating officer took up the investigation. He arrested A-1 on 15.05.2005 and made recoveries from him.

(b) The investigating officer also arrested A-2 Perumal, who was the Drawing and Disbursing Officer on 13.10.2005, who died on 20.05.2014. During the course of investigation, the investigating officer sent letters to Sub-Registrar of Oulgaret, Puducherry and Villianur on 20.05.2005 with a request not to entertain any transaction with respect to the property acquired out of the misappropriation by A-1 and also in his wife's name, i.e. house situated in R.S.No.83/2A/1D of an extent of 972 Sq.Ft. in Airport Road, Lawspet, Puducherry and 16 numbers of house plots of an extent of 19,200 Sq.Ft. situated in R.S.No.44 in Thirukanchi Village, Villianur.

(c) Further, the then Station House Officer, Odiansalai Police Station also filed a petition before the Court of Chief Judicial Magistrate, Puducherry, with a prayer to give instructions to the Sub-Registrar, Oulgaret and Villianur to attach the above said properties. On 06.06.2005, the Chief Judicial Magistrate, Puducherry gave direction, vide proceedings in No.187/CJM/JUD/2007 to the Sub-Registrar of Oulgaret and Villianur with instruction that the properties should not be transferred or otherwise dealt with, except with prior permission of the investigating officer concerned.

(d) While the said order of attachment is in force, A-1 sold the first item of the above said attached property to one Mohammed Ali, son of Abdul Samadhu of Thirukulacheri of Nagapattinam District on 25.09.2008, vide Document

No.4787/2008, thereby, the Sub-Registrar, Oulgaret, who made registration of the said property, knowingly and voluntarily assisted A-1 in disposing of the said property by violating the above said attachment order passed by the learned Chief Judicial Magistrate, and thereby, the petitioner/A3 (who was Sub-Registrar at that time) committed the offence punishable under Section 414 IPC read with Section 34 IPC.

(e) In this regard, the investigating officer filed a petition before the learned Chief Judicial Magistrate for taking necessary action against the petitioner/A-3 for violating the Court order, thereby the Section of law was altered from Section 409 IPC read with Section 34 IPC to the one under Sections 409 and 414 IPC and Section 13(1)(c) and 13(2) of the Prevention of Corruption Act read with Section 34 IPC. Thereafter, after completing the investigation, charge sheet (final report) has been filed before the trial Court against the petitioner/A-3 and other accused for the above said alleged offences.

3. Challenging the criminal proceedings initiated against the petitioner/A-3, he earlier filed a petition for discharge under Section 239 Cr.P.C. before the trial Court, which was dismissed on 10.07.2015 in Crl.M.P.No.851 of 2015 in Special C.C.No.16 of 2015, against which, the petitioner/A-3 preferred revision petition before this Court in Crl.R.C.No.875 of 2015, which was allowed by this Court on 09.10.2015 by setting aside the above said dismissal order passed in the discharge petition and remitting the matter back to the trial Court, with liberty to the petitioner to raise additional grounds with regard to the validity of the attachment order and with an observation that both parties are entitled to file additional documents. The trial Court was directed to dispose of the case on the ground of validity of the attachment order, dated 06.06.2005 passed by the learned Chief Judicial Magistrate (CJM), Pondicherry and the trial Court was further directed to dispose of the discharge petition in Crl.M.P.No.851 of 2015 before the end of December 2015.

4. Thereafter, on remission of the matter by this Court, the petitioner/A-3 filed additional grounds and 13 documents, out of which, 12 additional documents were taken on record and the 13th one being the order of this Court. The prosecution

also filed additional list of statements recorded under Section 161 Cr.P.C. and memo of evidence. After hearing both sides and upon considering the materials available on record, the trial Court, by the impugned order, dated 22.12.2015, again dismissed the discharge petition of the petitioner/A-3. Aggrieved by the said order, dated 22.12.2015, the present Crl.R.C. is filed by the petitioner/A-3.

5. Learned counsel for the petitioner/A-3 submitted that the attachment order, dated 06.06.2005 was passed by the learned CJM directing the petitioner/A-3 (the then Sub-Registrar) not to alienate/transfer the properties of A-1 and his wife, except with the permission of the investigating officer. Learned counsel further stated that the alleged offence of misappropriation of Revenue collection amount to the tune of Rs.68,13,948/- was committed by A-1 who was working as Lower Division Clerk-cum-Cashier in the Electricity Department of Puducherry. As per the charges framed, A-1 has committed the said offence during the period from 06.08.2004 to 05.05.2005 while he was working in the said post in the Office of the Revenue-III Sub-Division of the Division IX of the Electricity Department, Puducherry. The investigating officer filed a petition before the learned CJM to attach the property of A-1 and his wife and the learned CJM gave the above direction on 06.06.2005 and the petitioner/A-3 was working as Sub-Registrar during the period from 02.05.2008 to 30.06.2009, i.e. much later to the commission of the offence of misappropriation by A-1. At no point of time, any order of the learned CJM was served on the petitioner, much less the order of attachment passed by learned CJM in respect of the properties of A-1 and his wife. Furthermore, there is also no entry in the Guideline Value Register in the Office of the Sub-Registrar with regard to the above said order of attachment passed by the learned CJM. On this aspect, learned counsel for the petitioner also drew the attention of this Court to the Encumbrance Certificate, dated 17.02.2014 for the period from 01.09.1969 to 16.02.2014, Encumbrance Certificate, dated 04.04.2011 for the period from 01.01.2000 to 03.04.2011 and the Encumbrance Certificate, dated 22.09.2008 from 17.11.2005 to 09.09.2008. Learned counsel further submitted that the above said Encumbrance Certificates do not reveal anything with regard to the order of attachment passed by the learned CJM.

6. Learned counsel further stated that when the earlier discharge petition was dismissed on 10.07.2015, the petitioner filed Crl.R.C.No.875 of 2015 before this Court, in which, by order dated 09.10.2015, this Court remitted the matter back to the trial Court with directions as noted above. In the said order, the learned Judge has observed that the order of attachment is not in consonance with the provisions of Section 83, Clause 4 of Cr.P.C. Hence, according to the learned counsel, the Court cannot act on the basis of the order which is void-ab-initio and therefore, while setting aside the earlier dismissal order passed in the discharge petition, this Court remitted the matter back to the trial Court with liberty to the parties to adduce additional evidence/grounds. The learned counsel therefore submitted that since once again the discharge petition was dismissed by the impugned order, the petitioner has filed this Crl.R.C. In this regard, learned counsel emphatically submitted that as per the prosecution case, the attachment order passed by the learned CJM on 06.06.2005, the offence was said to have been committed by A-1 from 06.08.2004 to 05.05.2005. At the relevant point of time, the petitioner was not the Sub-Registrar and he served as Sub-Registrar, Oulgaret only from 02.05.2008 to 30.06.2009. A-1 sold the property in favour of one Mohammed Ali on 25.09.2008.

7. Learned counsel for the petitioner submitted that it is common knowledge that unless and until the order of attachment was communicated to the Office of the Sub-Registrar, it is not possible for the petitioner/A-3 to know about the order of attachment. In the instant case, absolutely there is no material available against the petitioner that he was made known about the said order of attachment. Further, no document was produced by the prosecution before the Court to show that there was an entry in the Guideline Value Register with regard to the order of attachment passed by the learned CJM on 06.06.2005 in the Guideline Value Register maintained in the Office of the Sub-Registrar, Oulgaret. In the absence of any material to show that the petitioner/A-3 was made known about the order of attachment, as well as in the absence of any document to show that there is an entry with regard to the attachment order in the Guideline Value Register, the charge framed by the Court below is not legally sustainable.

8. Learned counsel for the petitioner also submitted that only if the materials are available on the side of the prosecution that the petitioner/A-3 was made known about the order of attachment and inspite of the same, he proceeded to register the sale of the property, the charges could be framed. Thus, learned counsel for the petitioner prayed for setting aside the impugned order of dismissal of the discharge petition and thereby, discharge the petitioner/A-3 from the case.

9. Countering the above submissions, learned Additional Public Prosecutor appearing for the respondent, while reiterating the averments made in the counter affidavit, submitted that after remand of the case to the trial Court, the petitioner and prosecution have produced additional documents/grounds and only thereafter, the trial Court considered the matter afresh in detail and passed the impugned order of dismissal of discharge petition, and hence, he prayed that the impugned order may not be interfered with by this Court. The main case of the prosecution is that inspite of the specific direction of the learned CJM in passing the order of attachment, the petitioner/A3 has registered the document with regard to the sale of the property belonging to A-1, thereby, the petitioner/A3 assisted A-1 in alienating the property acquired by A-1 by committing the offence of misappropriation of Revenue collection amount, to one Mohammed Ali. In this regard, learned Additional Public Prosecutor invited the attention of this Court to the charges framed against the petitioner/A-3 before the Court below, which reads as follows:

... . Thirdly, on 25.09.2008 at the Office of the Sub-Registrar, Oulgaret, Puducherry, you A3, being the then Sub-Registrar, Oulgaret, Puducherry, in furtherance of common intention with A1 of you, voluntarily assisted you A1 in disposing of the house situated in R.S.No.83/2A/1D at Airport Road, Lawspet, Puducherry to one Mohamed Ali, son of Abdul Samadu of Thirukalacherry, Tarangambadi TK of Nagapattinam District vide Document No.4787/2008, which you knew that the said property had been attached by the Court of the Chief Judicial Magistrate, Puducherry and though the copy of the said proceedings of attachment was served upon you A3, and thereby, you A1 and A3 have committed an offence punishable under Section 414 of IPC r/w 34 IPC, and within my cognizance. .... "

10. Learned Additional Public Prosecutor further submitted that in the instant case, the main charge framed against the petitioner/A-3 is that he has disposed of the property inspite of the specific order of attachment passed by the learned CJM. Learned Additional Public Prosecutor also submitted that even the statement of one S.Prabagaran (54), s/o P.Subramani (late), Tahsildar, Taluk Office, Bahour, Puducherry as well as one D.Balaraman (49), S/o Dhamotharan (late), Upper Division Clerk, Local Administration Department, Puducherry, which were recorded by the Police Officer under Section 161 Cr.P.C., shows that they have spoken about the entry made in the Guideline Value Register for the year 2004-2005, and therefore, learned APP submitted that it is incorrect to state that absolutely there is no material to show that the order of attachment was not entered in the official records of the office of the Sub-Registrar. Thus, learned Additional Public Prosecutor submitted that the above said statement of S.Prabagaran (54), s/o P.Subramani (late), Tahsildar, Taluk Office, Bahour, Puducherry as well as one D.Balaraman (49), S/o Dhamotharan (late), Upper Division Clerk, Local Administration Department, Puducherry, which were recorded by the Police Officer under Section 161 Cr.P.C. itself is sufficient to frame charges against the petitioner/A-3 and others. Hence, he prayed that the charges framed against the petitioner/A-3 and others are sustainable in law and they are liable to be prosecuted. In support of his contentions, learned APP relied on the decision of the Supreme Court reported in AIR 2013 SC 52 = 2013 (11) SCC 476 = CDJ 2012 SC 813 (Sheoraj Singh Ahlawat and others Vs. State of U.P. and another).

11. Keeping the above submissions made by the learned counsel on either side, I have carefully gone through the materials available on record. It is the main submission of the learned counsel for the petitioner/A-3 that the offence of misappropriation of Revenue collection amount, was committed by A-1 during the period from 06.08.2004 to 05.05.2005 and the case was registered against A-1 and one Perumal/A-2 by the Station House Officer, Odiansalai Police Station and the petitioner has been arrayed as A-3. The Station House Officer, Odiansalai Police Station filed a petition before the learned CJM to give instructions to the Sub-Registrar, Oulgaret and Villianur to attach the properties of A-1 and his wife. The learned CJM passed an order of attachment of the said properties on

06.06.2005, whereas the petitioner/A3 served as Sub-Registrar, Oulgaret from 02.05.2008 to 30.06.2009, which is much later to the date of the order of attachment passed by the learned CJM in respect of the properties of A-1 and his wife. According to the petitioner/A-3, no entry was made with regard to the attachment of the properties standing in the name of the A-1 and his wife, in the Guideline Value Register maintained in the Office of the Sub-Registrar, Oulgaret at the relevant point of time. Hence, according to the petitioner/A-3, there is no possibility for him to know about the order of attachment passed by the learned CJM. Therefore, according to the learned counsel appearing for the petitioner/A-3, unless there is any material to show that the petitioner/A-3 was made known about the order of attachment and inspite of the same he registered the sale deed executed by A-1 in favour of one Mohammed Ali and thereby assisted A-1 in alienating the property acquired by A-1 by misappropriation of Revenue collection amount, the charges framed against the petitioner/A-3 are not legally sustainable. In the instant case, no document was produced by the prosecution along with the charge sheet to show that the order of attachment passed by the learned CJM was communicated to the Sub-Registrar and an entry was made in the Guideline Value Register. Hence, by setting aside the charges framed against the petitioner/A-3, learned counsel prayed that the petitioner/A-3 may be discharged from the case.

12. Per contra, learned Additional Public Prosecutor appearing for the respondent submitted that the statement of one S.Prabagaran (54), s/o P.Subramani (late), Tahsildar, Taluk Office, Bahour, Puducherry and one D.Balaraman (49), S/o Dhamotharan (late), Upper Division Clerk, Local Administration Department, Puducherry, which were recorded by the Police Officer under Section 161 Cr.P.C. would show that they have spoken about the entry made in the Guideline Value Register with regard to the attachment order passed by the learned CJM. Therefore, the statement of the above said S.Prabagaran and D.Balaraman itself is sufficient to frame the charges against the petitioner/A3. In support of his submissions, learned Additional Public Prosecutor also referred to the decision of the Supreme Court reported in AIR 2013 SC 52 (cited supra), wherein, in paragraphs 10 to 12, the Apex Court held as follows:

"10. The case at hand being a warrant case is governed by Section 239 of the Cr.P.C. for purpose of determining whether the accused or any one of them deserved to be discharged. Section 239 is as under:

"239. When accused shall be discharged:

If upon considering the police report and the documents sent with under section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing."

11. A plain reading of the above would show that the Court trying the case can direct discharge only for reasons to be recorded by it and only if it considers the charge against the accused to be groundless. Section 240 of the Code provides for framing of a charge if, upon consideration of the police report and the documents sent therewith and making such examination, if any, of the accused as the Magistrate thinks necessary, the Magistrate is of the opinion that there is ground for presuming that the accused has committed an offence triable under Chapter XIX, which such Magistrate is competent to try and which can be adequately punished by him. The ambit of Section 239 Cr.P.C. and the approach to be adopted by the Court while exercising the powers vested in it under the said provision fell for consideration of this Court in Onkar Nath Mishra and others Vs. State (NCT of Delhi) and another, (2008) 2 SCC 561. That was a case in which a complaint under Sections 498-A, 406 read with Section 34 of the IPC was filed against the husband and parents-in-law of the complainant-wife. The Magistrate had in that case discharged the accused under Section 239 of the Cr.P.C., holding that the charge was groundless. The complainant questioned that order before the Revisional Court which directed the trial Court to frame charges against the accused persons. The High Court having affirmed that order, the matter was brought up to this Court. This Court partly allowed the appeal qua the parents-in-law while dismissing the same qua the husband. This Court explained the legal position and the approach to be adopted by the Court at the stage of framing of charges or directing discharge in the following words:

" 11. It is trite that at the stage of framing of charge the Court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At that stage, the court is not material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At that stage, even strong suspicion founded on material which leads the Court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence."

12. Support of the above view was drawn by this Court from earlier decisions rendered in State of Karnataka Vs. L.Muniswamy, 1977 Cri.L.J. 1125, State of Maharashtra and others Vs. Som Nath Thapa and others, 1996 Cri.L.J. 2448 and State of M.P. Vs. Mohanlal Soni, 2000 Cri.L.J. 3504. In Som Nath's case (supra) the legal position was summed up as under:

"If on the basis of materials on record, a Court could come to the conclusion that commission of the offence is a probable consequence, a case for framing of charge exists. To put it differently, if the Court were to think that the accused might have committed the offence it can frame the charge, though for conviction the conclusion is required to be that the accused has committed the offence. It is apparent that at the stage of framing of a charge, probative value of the materials on record by the prosecution has to be accepted as true at that stage."

13. Therefore, from the above decision of the Supreme Court, it is clear that if the complaint alleged against an accused is groundless, then the discharge petition can be entertained; and if there is strong suspicion founded on the materials placed before the Court with regard to the offence(s) committed by the accused, that would justify framing of charge(s) against the accused. In the instant case, the statement of the said S.Prabagaran and D.Balaraman, recorded by the Police Officer under Section 161 Cr.P.C. would show that they have clearly spoken about the entry of attachment order passed by the learned CJM, made in the Guideline Value Register. The relevant portion of the statement of the said S.Prabagaran

and D.Balaraman, recorded by the Police Officer under Section 161 Cr.P.C. reads as follows:

Statement of S.Prabagaran (54), S/o P.Subramani (Late), Tahsildar, Taluk Office, Bahour, Puducherry, residing at No.25, Arjunan Street, Kennedy Garden, Karuvadikuppam, Puducherry:

"I am presently working as Tahsildar in the Excise Department, Puducherry. When I was working as Sub-Registrar, Oulgaret, Puducherry for the period from 03.09.2003 to 05.07.2005, I had received one communication dated 20.05.2005 from the Sub-Inspector of Police, Odiansalai PS, Puducherry stating that not to entertain any transaction in the plot comprised in R.S.No.83/2A/1D of Karuvadikuppam Revenue Village which belongs to one Thiru.Shanmugasundaram, S/o Pazhani of Lawspet. Subsequently, an attachment order No.187/CJM/JUD/2005, dated 06.06.2005 from the Hon'ble CJM, Puducherry was received wherein it has been informed that no transaction should be entertained in R.S.No.83/2A/1D situated at Karuvadikuppam Revenue Village. On receipt of the attachment order by Thiru.D.Balaraman, LDC of Sub-Registry, Oulgaret, he informed the fact to me and shown the said attachment order. Immediately, I asked him to affix the same in the concerned page of the Guideline Value Register for the year 2004-05. Normally, we used to affix such orders in the GLR Register against the concerned R.S.No. Then I personally verified the attachment order which was duly affixed against the R.S.No.83/2A/1D of 39-Karuvadikuppam Revenue Village. Also, I have made a red-mark entry in the remarks column of the concerned R.S.No. i.e. (No.83/2A/1D). Further, as the registration of documents was not computerised at that point of time, the above said entry was not made in the computer. ..."

Statement of D.Balaraman (49), S/o Dhamotharan (late), Upper Division Clerk, Local Administration Department, Puducherry, residing at No.9, Kamaraj Street, Manakuppam, Nallathur Post, Puducherry:

"I am presently working as Upper Division Clerk in the Local Administration Department, Puducherry. In my tenure as LDC in Sub-Registry, Oulgaret for the period from 2004 to 2010, I had received one intimation addressed to the Sub-

Registrar, Oulgaret, dated 20.05.2005 from the Sub-Inspector of Police, Odiansalai PS, Puducherry stating that the plot in R.S.No.83/2A/1D situated at Karuvadikuppam Revenue Village not to entertain any transaction in the above mentioned property which belongs to one Thiru.Shanmugasundaram, S/o Pazhani. Subsequently, a court order vide No.187/CJM/JUD/2005, dt.06.06.2005 was also received from the Hon'ble CJM, Puducherry, wherein it has been informed that no transaction should be entertained in R.S.No.83/2A/1D situated at Karuvadikuppam Revenue Village. Immediately, I informed the fact and shown the attachment order to Thiru.Prapagaran, who was Sub-Registrar, Oulgarent. Then as per the direction of the Sub-Registrar, I have affixed the said attachment order against the concerned R.S.No. in the GLR Value Register for the year 2004-05. ....."

14. The above said statement of S.Prabagaran and D.Balaraman, recorded by the Police Officer under Section 161 Cr.P.C. in my considered view, is sufficient to frame the charges against the petitioner/A3. Hence, it is incorrect to state that there is absolutely no material to frame charges against the petitioner/A-3.

15. Moreover, the charge has been framed against the petitioner/A-3 under Section 414 IPC, which reads as follows:

"Section 414: Assisting in concealment of stolen property: Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

16. In the instant case, the case of the prosecution is that the petitioner/A-3 had assisted A-1 in disposing of the property which he acquired from misappropriation of the Revenue collection amount, and he permitted to register the sale of that property, inspite of the fact that there is an order of attachment passed by the learned CJM. But, according to the petitioner/A-3, there is no entry with regard to the order of attachment made in the Guideline Value Register. In my considered view, the said submission made by the petitioner/A-3 may be his defence, but the same cannot serve as a ground for discharging the petitioner/A-3 from the case,

especially, in the circumstance when there is statement of one S.Prabagaran and D.Balaraman as referred to above recorded under Section 161 Cr.P.C. to the effect that there is an entry made in the Guideline Value Register with regard to the attachment order passed by the learned CJM.

17. The learned counsel for the petitioner/A-3 relies on the Encumbrance Certificates for the period covering from 01.09.1969 to 16.02.2014, 01.01.2000 to 03.04.2011 and 17.11.2005 to 09.09.2008 to substantiate his contention that those Encumbrance Certificates do not reveal anything about the order of attachment passed by the learned CJM. Learned counsel also relied on the observation made by this Court in the earlier round of litigation in the revision petition filed by the petitioner/A-3 before this Court challenging the dismissal of the discharge petition earlier filed by the petitioner/A3, wherein this Court observed that the order of attachment is not in consonance with the provisions of Section 83 Clause 4 Cr.P.C., and hence, according to the learned counsel for the petitioner/A-3, the charges cannot be framed. But, it is the submission of the learned counsel for the petitioner/A-3 that the order of attachment was passed in consonance with Section 105-E of Cr.P.C. and not under Section 83(4) Cr.P.C. This Court finds that Section 105-E Cr.P.C. deals with the attachment of property acquired unlawfully as specified under Section 105-D Cr.P.C. Hence, this Court, at this stage, does not find any infirmity in the charges framed against the petitioner/A-3.

18. Hence, in my considered opinion, all the submissions of the learned counsel for the petitioner/A-3 will not be a ground for discharge of the petitioner/A-3 from the case at this stage. On the above facts and circumstances of the case and applying the principles laid down by the Apex Court in the above referred to decision relied on by the learned Additional Public Prosecutor, I do not find any valid ground to interfere with the impugned order passed by the trial Court. This Court therefore comes to the conclusion that the petitioner /A-3 is not liable to be discharged from the case at this stage.

19. For the foregoing reasons, I do not find any illegality or infirmity in the impugned order and the same is confirmed. This Crl.R.C. is accordingly dismissed, with liberty to the petitioner/A-3 to put forth all his contentions to prove

his innocence during the course of trial by adducing oral and documentary evidence. The trial Court shall complete the trial as early as possible and the petitioner and the prosecution shall co-operate in completion of the trial before the trial Court as early as possible. Consequently, Crl.M.P.No.788 of 2016 is closed.