



W.A.Nos.588 and 589 of 2014

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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

[Order of the Court was made by R.SURESH KUMAR, J.]

The report sent by the Special Judge, Special Court for trial of Prevention of Corruption Act, Coimbatore dated 27.09.2023 have been perused.

2. According to the said report, there are 136 witnesses listed by the Prosecution side, out of which, 51 witnesses so far have been examined. The Prosecution had reported that, witnesses 22, 23, 53, 55, 69 are no more and witnesses 60, 61, 63, 65, 66, 67, 68, 97, 98, 99, 101, 102, 106, 105, 111 were dispensed with by the Prosecution.

3. Therefore, as of now there are still 65 witnesses to be examined and in order to examine those witnesses and to complete the trial and to render a judgment, it takes six months time, therefore the learned Judge seeks extension of further time of six months.



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4. We have gone through the earlier orders passed by the Coordinate Bench both in the writ appeal as well as in Contempt Petition No.1495 of 2016.

5. In the earlier order dated 02.11.2021, a Coordinate Bench in fact had given a direction to take up the case on day to day basis by giving six months time to complete the trial, thereafter since it could not be made, a contempt petition had been filed, where also another Coordinate Bench by order dated 28.06.2023 had given further time of three months.

6. Despite this extension of time had been given to the Special Court, still even the half distance have not been crossed by the trial Court as still 65 witnesses are to be examined.

7. Pursuant to the earlier direction given by the Coordinate Bench, whether the Special Court is taking up this matter on day to day basis or not is not known and in this context, though it has been stated by the learned Judge in the report that, the case is posted day after another why such a delay is caused is not explained.



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8. Be that as it may, since this case seems to have been pending from 2013 onwards as it is Special C.C.No.9 of 2013, 10 years period is over, priority must be given by the trial Court to this case to complete the trial, hence the following directions are issued:

(i) That the trial Court is directed to take up the case on day to day basis by giving topmost priority of this case and try to complete the trial and deliver the judgment on merits within a maximum period of six months from the date of receipt of a copy of this order.

(ii) In order to complete the said task, as directed by this Court, by the learned Judge, the Prosecution i.e., the Director of Vigilance and Anti-Corruption, Chennai shall take all endeavour through the concerned official of the Directorate of Vigilance and Anti-Corruption who is the Prosecution in the case at Coimbatore to give fullest cooperation by producing the witness one by one, enabling the learned Judge to complete the examination at the earliest point of time and to pass orders on merits in the Special C.C.No.9 of 2013 within the time stipulated herein above.



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(iii) It is made clear that, if any delay is caused further

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despite this order and the delay is attributable on the Director of Vigilance and Anti-Corruption i.e., Prosecution side, suitable action would be recommended against the officials concerned of the Prosecution.

9. With this direction, the said extension of six months as stated above is hereby granted.

[R.S.K. J.] [G.A.M. J.]
16.10.2023

Note :

Issue order copy on 16.10.2023

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To

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- 1)The Special Judge,
Special Court for trial of
Prevention of Corruption Act,
Coimbatore.
- 2)The Director,
Vigilance and Anti-Corruption,
Chennai.
- 3)The Directorate of
Vigilance and Anti-Corruption,
Coimbatore.



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