



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.OP.(MD)No.5486 of 2015

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V.Selvaraj : Petitioner
Vs.

The State,
by the Inspector of Police,
Directorate of Vigilance and Anti Corruption,
Nagercoil, Kanyakumari District. : Respondent

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 12.02.2015 passed by the Special Judge for Vigilance and Anti Corruption cum Chief Judicial Magistrate, Nagercoil, in Cr.MP.No.22 of 2015 in Special Case No.4 of 2006.

For Petitioner : Mr.T.Leninkumar
For Respondent : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

O R D E R

The petitioner is the accused in Special Case No.4 of 2006, on the file of the Special Judge for Vigilance and Anti Corruption cum Chief Judicial Magistrate, Nagercoil. He is facing prosecution for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. It was on the complaint of PW-2 in the case, the said case was registered. PW-2 has spoken about the demand of illegal gratification, complaint made by him and the trap proceedings. PW-3 is the witness, who accompanied PW-2 during trap proceedings. PW-14 is the trap laying officer.

2. Before the Trial Court, the petitioner filed Cr.MP.No.22 of 2015 requesting the Court to recall PW-2, PW-3 and PW-14. By order dated 12.02.2015, the Trial Court allowed the said petition, in respect of PW-14 and dismissed as against PW-2 and PW-3. Challenging the denial of the Trial Court to recall PW-2 and PW-3, the petitioner has come up with the present Criminal Original Petition.

3. I have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondent and perused the records carefully.

4. It is brought to the notice of this Court that the examination of PW-2 was over on 23.07.2009 and the examination of PW-3 was also over on 11.06.2010. They have already been extensively cross-examined by the accused. Now, the case is in the defence stage. After a lapse of five to six years, the present petition has been filed seeking to recall PW-2 and PW-3. In the present petition, no valid reasons have been stated by the petitioner to recall PW-2 and PW-3.

<https://hcservices.ecourts.gov.in/hcservices/>

5. In view of the above, I hold that the Lower Court was right in



dismissing the petition as against the recall of PW-2 and PW-3.
Therefore, the Criminal Original Petition is dismissed.

Sd/-

The Assistant Registrar (Per. Admn)

/True copy/

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Sub-Assistant Registrar

To

1. The Special Judge for Vigilance and Anti Corruption
cum Chief Judicial Magistrate, Nagercoil.
2. The Inspector of Police,
Directorate of Vigilance and Anti Corruption,
Nagercoil, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.T.Leninkumar, Advocate SR.No.34262

nb

Sm:AMF:13.07.2015:2P/5C

ORDER MADE IN
CRL.OP. (MD) No.5486 of 2015
DATED - 26.06.2015