

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Criminal Original Petition No.2428 of 2016

N.Senthilkumar : Petitioner

Vs.

The Inspector of Police,
EOW, Erode. : Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to set aside the order dated 21.12.2015 passed by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore in CrI.M.P.No.2810 of 2015 in connection with case in C.C.No.39 of 2013.

For Petitioner :Mr.M.Senthilkumar

For Respondent :Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition to set aside the order dated 21.12.2015 passed by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore, in CrI.M.P.No.2810 of 2015 in connection with case in C.C.No.39 of 2013.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The petitioners/A1 to A3 have filed an application to recall PW1 to PW9 for cross examination because they were not cross examined by the petitioners due to non-availability of documents. The trial Court, by order dated 10.12.2015, allowed the same, with a direction to pay batta of Rs.6,800/- on or before 14.12.2015. On 14.12.2015, at request of the learned counsel for the petitioner/A2, since the petitioner's mother met with an accident, time has been extended till 17.12.2015. On 17.12.2015, the petitioner has paid only a sum of Rs.2,400/- and the matter has been posted for payment of the balance amount on 21.12.2015.

4.Today, the learned counsel for the petitioner would submit that the petitioner is ready to deposit the balance amount and prays for setting aside the order dated 21.12.2015 passed by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore in CrI.M.P.No.2810 of 2015.

5.On perusal of the typed set of papers, it reveals that the petitioner was prosecuted for collecting the amount from the public and cheated them. On the basis of the complaint given by the depositors, a case has been registered and charge sheet has been filed, which was taken on file in C.C.No.39 of 2013, in which PW1 to PW9 were examined by the prosecution but, they were not cross examined by the petitioners. Hence, they filed a petition to recall PW1 to PW9 for cross examination. That petition was allowed by the trial Court on payment of batta of Rs.6,800/- on or before 14.12.2015. Time has been granted, since it was represented that the petitioner/A2's mother met with an accident. Except the same, no other reason has been assigned. However, the trial Court has granted time till 17.12.2015. The accused has paid only Rs.2,400/-. The balanced amount has to be paid. Inasmuch as the petitioner was purposely avoided to pay batta with an intention to drag on the proceedings, I do not find any reason to interfere with the finding of the trial Court dated 21.12.2015 in CrI.M.P.No.2810 of 2015 and it deserves to be dismissed.

Accordingly, this Criminal Original Petition is dismissed.
mps

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Special Judge,
Special Court under TNPID cases, Coimbatore.
2. The Inspector of Police,
EOW, Erode.
3. The Public Prosecutor,
Madras High Court, Madras.

+ 1 cc to Mr.M.Senthil Kumar, Advocate SR 8336

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CrI.O.P.No.2428 of 2016