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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD)No.22369 of 2016

and

Crl.M.P.(MD)No.11654 of 2016

1. Saminathan
2. Muthan
3. Ramaiyan

... Petitioners

Vs.

The State through
the Inspector of Police,
EOW II, Karur,
Karur District.
Crime No.2 of 2004.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to call for records pertaining to C.M.P.No.497 of 2016 in C.C.No.69 of 2008 on the file of the Special Judge under TNPID Act, Madurai and set aside the order passed in C.M.P.No.497 of 2016 in C.C.No.69 of 2008 dated 03.11.2016.

For Petitioners : Mr.RM.Sivakumar

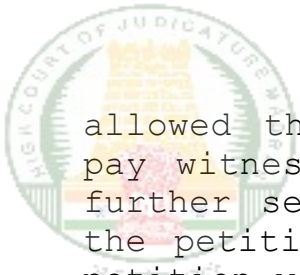
For Respondent : Mr.K.Anbarasan
Government Advocate (Crl.side)

O R D E R

The Criminal Original Petition has been filed to set aside the order passed in C.M.P.No.497 of 2016 in C.C.No.69 of 2008, by the Special Judge under TNPID Act, Madurai, dated 03.11.2016.

2. The respondent registered a case against the petitioners under Section 5 of TNPID Act and Sections 420, 406 r/w. Section 120(b) of I.P.C., in Crime No.2 of 2004 and after completing the investigation, the respondent filed a final report which was taken on file in the year 2008 as C.C.No.69 of 2008.

3. The prosecution, in order to prove the guilt against the accused, has examined 98 witnesses. The accused have deferred the cross-examination and thereafter, in the year 2016, filed Cr.M.P.No.497 of 2016, to recall the witnesses stating that the accused have not cross-examined the witnesses due to non-
<https://hcservices.ecourts.gov.in/hcservices/> the documents, except this, the accused have not given any reason to recall the witnesses. Despite the same, the Special Court, in order to provide opportunity to the accused,



allowed the application on 18.08.2016, directing the accused to pay witness batta of Rs.98,000/- on or before 01.09.2016. It is further seen that the time was extended by the Special Court on the petition filed by the accused and due to non-compliance, the petition was dismissed on 03.11.2016.

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4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) and perused the records.

5. Taking into consideration the facts of the case, this Court is of the opinion that the Special Court has rightly dismissed the application in C.M.P.No.497 of 2016 and there is no merit in this case. Hence, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
EOW II, Karur,
Karur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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22.11.2016