

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2017

CORAM

THE HONOURABLE MR.JUSTICE S.BASKARAN

Criminal Original Petition No.3185 of 2017

K.Geetha

...Petitioner/Accused

Vs

State of Tamil Nadu, Rep. By
The Additional Superintendent of Police(HQRS)
Vigilance &Anti Corruption
Special Investigation Cell
Chennai. Cr.No.6/HQRS/SIC/2009 ...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.,
seeking to set aside the order passed by Special Court for the
Cases under the Prevention of Corruption Act, Chennai, dated
9.12.2016 made in CrI.M.P.No.1841/2016 in C.C.No.77 of 2011.

For Petitioner : Mr.S.Karthikeyan

For respondent : Mr.E.Raja, Addl.Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to set
aside the order passed by Special Court for the Cases under the
Prevention of Corruption Act, Chennai, dated 9.12.2016 made in
CrI.M.P.No.1841/2016 in C.C.No.77 of 2011.

2. The petitioner/accused is prosecuted for the alleged
offence u/s.7, 13(2) r/w.13(1)(d) of Prevention of Corruption
Act, 1988, in C.C.No.77 of 2011. The prosecution examined 13
witnesses and all the witnesses were cross examined by the
petitioner, except Trap Laying Officer and Investigation Officer
in the case. The petitioner filed CrI.M.P.No.1841 of 2016 in
C.C.No.77 of 2011, seeking to recall P.W.3 to examine the said
witness stating that the counsel for accused by oversight has

not raised certain important and relevant questions and suggestion to the crucial witness P.W.3.

3. The learned Judge, on considering the reasons stated by the petitioner and the averments in counter, observed that the petition to recall P.W.3 and P.W.5 for the second time after the cross examination was over in the year 2012, and now, only with a view to drag on the proceedings, the petition has been filed, and no valid reason has been stated by the petitioner to further cross examine P.W.3 and dismissed the petition. Aggrieved over the said dismissal order dated 9.12.2016, the petitioner has filed the present Crl.O.P. Heard both this O.P., is admitted.

4. It is contended by the learned counsel for the petitioner that further cross examination of P.W.3 is absolutely essential and necessary to unfold the version of the defence, otherwise, the petitioner would be put to great prejudice.

5. It is represented by the learned Additional Public Prosecutor that the case is posted for examination of Investigating Officer today i.e., 15.03.2017 and this petition is now filed only with a view to drag on the trial proceedings.

6. Considering the facts and circumstances of the case and considering the contention of the petitioner that if this petition is not entertained, great prejudice would be caused to the petitioner, this court deems it fit to allow the petition. Accordingly, the petitioner is permitted to complete the cross examination of P.W.3 on the same day when P.W.3 is summoned on the next hearing indicated by the trial court. Since it is submitted by the learned Additional Public Prosecutor that examination of the Investigating Officer is in vogue, the cross examination of P.W.3 shall be completed within a period of two weeks from the date of completion of the examination of the Investigating Officer in the case.

7. In the result, the Crl.O.P., is allowed on the above terms.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Additional Superintendent of Police(HQRS)
Vigilance &Anti Corruption
Special Investigation Cell
Chennai
Cr.No.6/HQRS/SIC/2009

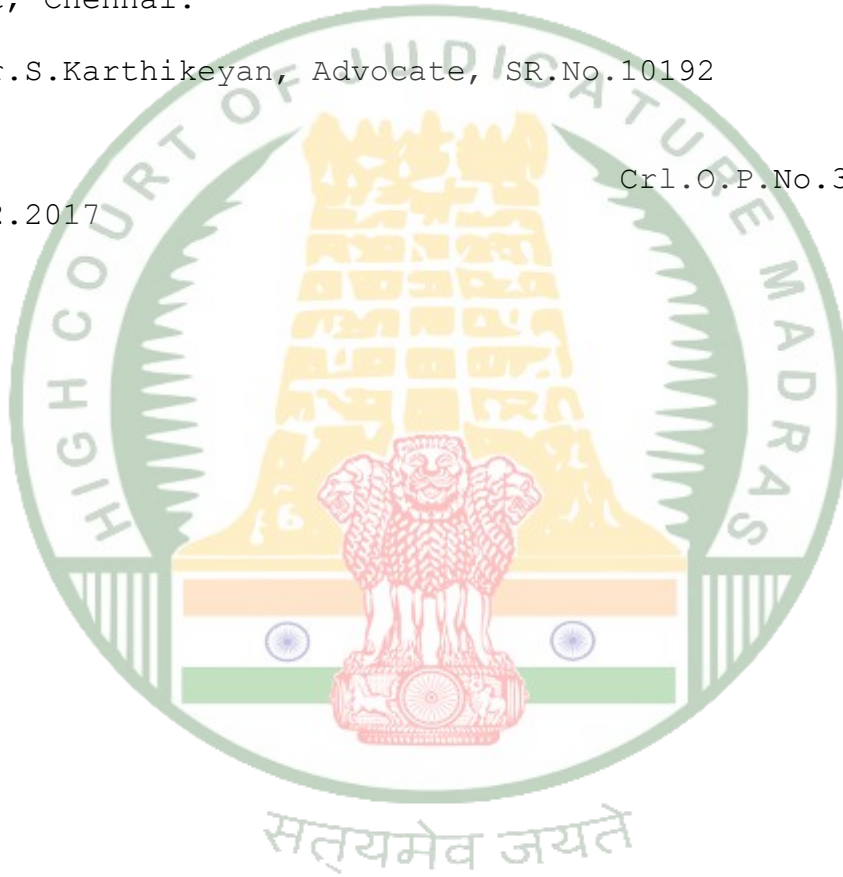
2.The Special Court for the Cases
under the Prevention of Corruption Act, Chennai,

3 The Public Prosecutor,
High court, Chennai.

+lcc to Mr.S.Karthikeyan, Advocate, SR.No.10192

SDR 28.02.2017

Cr1.O.P.No.3185 of 2017



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