

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.BASKARAN

Crl.O.P.No.4257 of 2017

S.Purushothaman

...Petitioner

Vs.

State rep.by its
The Inspector of Police,
Vigilance & Anti-Corruption,
Chennai City-IV,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Special Judge, Vigilance and Anti-Corruption Cases, Chennai, in Crl.M.P.1636 of 2016 in C.C.No.1 of 2011 dated 18.01.2017 and to pass order to recall the witness P.W.3 for the purpose of further cross examination in the interest of justice and equity.

For Petitioner : Mr.R.Sreedharan
For Respondent : Mr.E.Raja
Additional Public Prosecutor

O R D E R

This petition has been filed under Section 482 Cr.P.C., to set aside the order passed by the learned Special Judge, Vigilance and Anti-Corruption Cases, Chennai, in Crl.M.P.1636 of 2016 in C.C.No.1 of 2011 dated 18.01.2017 and to pass orders to recall the witness P.W.3 for the purpose of further cross examination.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent.

3.The learned counsel for the petitioner would submit that by over sight, they have failed to put some important question to P.W.3, who is a trap witness and further submitted that no prejudice would be caused to the prosecution if the said witness is recalled for cross examination.

4.The learned Additional Public Prosecutor has no serious objection in allowing the petition but however, he opposed the petition only on the ground that it has been filed only to drag on the proceedings.

5.Considering the submissions made on either side, even though the petitioner ought to have completed the cross examination during the opportunity given to him, this Court, in the interest of justice, grants one more opportunity to the petitioner to cross examine the witness P.W.3.

6.The learned Special Judge, Vigilance and Anti-Corruption Cases, Chennai, is directed to permit the petitioner to recall P.W.3 and to cross examine the said witness on the same day, when the witness is produced and if any adjournment is sought by the petitioner, the trial Court is at liberty to close the said evidence.

7.The Criminal Original Petition is allowed with the above directions and the order of the trial Court in Crl.M.P.No.1636 of 2016 in C.C.No.1 of 2011 dated 18.01.2017 is set aside.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

DP

To

1. The Learned Special Judge,
Vigilance & Anti-Corruption Cases,
Chennai.
2. The Inspector of Police,
Vigilance & Anti-Corruption,
Chennai City-IV,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.Sreedharan, Advocate, S.R.No.13109

PPA(CO)
RS(15/03/2017)

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