

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2017

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

Crl.O.P.No.7216 of 2017

&

Crl.M.P.No.5214 of 2017

K.V.Natarajan

... Petitioner

Vs.

State rep by
Deputy Superintendent of Police
Vigilance & Anti-Corruption
Krishnagiri District

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure against the order dated 24.11.2016 and made in Crl.M.P.No.447 of 2016 in Spl.C.C.No.1 of 2011 on the file of the Chief Judicial Magistrate, Krishnagiri.

For Petitioners: Mr.R.Ezhilarasan

For Respondent : Mr.E.Raja
Additional Public Prosecutor
(V & AC)

ORDER

The petitioner, after invoking the provisions of Section 482 of the Criminal Procedure Code, has filed this petition to set aside the order dated 24.11.2016 and made in Crl.M.P.No.447 of 2016 in Spl.C.C.No.1 of 2011 on the file of the Judicial Magistrate, Krishnagiri.

2. It is apparent from the records that the petitioner has been facing charges under Sections 7 and 13 (2) r/w. 13 (1)(d) of the Prevention of Corruption Act, 1988 in the above said case.

3. The trial has already commenced. So far 20 witnesses have been examined on the side of the prosecution. Unfortunately the petitioner had not taken effective steps to

cross-examine the witness. Even he had not chosen to file an application to defer their cross-examination. However, he has come forward with a petition in CrI.M.P.No.447 of 2016 under Section 311 Cr.P.C before the trial Court to permit him to cross-examine the witnesses. That petition was dismissed by the trial Court on 24.11.2016 with a finding that if the petitions are allowed it shall be against the principles laid down in Article 21 of the Constitution of India under speedy trial Concepts in criminal jurisprudence. The learned trial Judge had relied upon the judgment reported in CDJ SC 2015 Page 708 in Sivakumar's Case and 2015 1 MLJ 2015 Criminal Page 588 in Vinoth Kumar's Case."

4. Placing reliance upon the above cited two decisions, the trial Court had dismissed the above application. The learned Additional Public Prosecutor (Vigilance and Anti-Corruption) has submitted that the petition might be allowed with a specific direction to the learned trial Judge to examine the witnesses Pws 1 to 20 within a specific time frame.

5. Considering the submissions made on behalf of both sides, this Court finds that in the interest of justice, this petition may be allowed on the suggestion made by the learned Public Prosecutor.

Accordingly, the criminal original petition is allowed and the impugned order dated 24.11.2016 is set aside. The petition in CrI.M.P.No.447 of 2016 is also allowed and the petitioner is permitted to cross-examine the prosecution witnesses ranging from Pws 1 to 20 within four weeks from today i.e., 5 witnesses per week. The respondent police is hereby directed to produce the prosecution witnesses so as to enable the trial Court to comply with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/ जयते

Sub Asst. Registrar

gpa

To

The Chief Judicial Magistrate, Krishnagiri
+1cc to Mr.R.Ezhilarasan, Advocate sr.22961

CrI.O.P.No.7216 of 2017 &
CrI.M.P.No.5214 of 2017

sv (co)

ss (8/5/2017)