

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2017

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

Crl.O.P.No.7303 of 2017

&

Crl.M.P.No.5287 of 2017

1.K.N.Senthil Kumar

2.N.Gobinathan ... Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police
Vigilance & Anti Corruption
Coimbatore

Spl.Cr.No.15/2006/AC/CB

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure against the order dated 23.02.2017 and made in Crl.M.P.No.209 of 2016 in Spl.C.C.No.33 of 2011 on the file of Special Court of Cases under Prevention of Corruption Act, Coimbatore.

For Petitioners: Mr.T.Munirathinam Naidu

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

ORDER

Challenging the order of the trial Court dated 23.02.2017 and made in Crl.M.P.No.209 of 2016 in Spl.C.C.No.33 of 2011, the petitioners have filed this petition.

2. It is manifested from the records that the petitioners, being the accused 1 and 2, have filed a petition in Crl.M.P.No.209 of 2016 under Section 311 of the Code of Criminal Procedure seeking permission of the trial Court to recall Pws 1 to 4 for the purpose of further examination. After hearing both sides, the petition was dismissed by the trial Court on 23.02.2017.

3.The learned counsel for the petitioners has submitted that PW2 is the complainant and PW3 is his wife and only for the purpose of cross-examination of Pws 1, 3 and 4, the above petition was filed, but unfortunately that petition was dismissed by the trial Court without appreciating the real cause in respect of which the petition was filed.

4. The learned Additional Public Prosecutor appearing for the respondent has vehemently objected to allow this petition.

5.However, in the interest of justice, considering the averments made by the learned counsel for the petitioner, this Court finds that this petition may be allowed only for the limited purpose of recalling and further cross-examination of Pws 1 to 4 on 21.04.2015. Not beyond that.

6.Accordingly, this petition is allowed and the order of the trial Court dated 23.02.2017 and made in CrI.M.P.No.209 of 2016 in Spl.C.C.No.33 of 2011 is set aside and the petition in CrI.M.P.No.209 of 2016 is allowed and the petitioner is permitted to further cross-examine Pws 1 to 4 on 21.04.2017. The respondent police is hereby directed to produce the witnesses viz., Pws 1 to 4 before the trial Court on 21.03.2017 only for the purpose of further cross-examination by the petitioners.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gpa
To

1.The Chief Judicial Magistrate Cum Special Judge,
(FAC) Special Court of Cases
under Prevention of Corruption Act,
Coimbatore.

2.The Inspector of Police
Vigilance & Anti Corruption
Coimbatore

+1cc to Mr.T.Munirathnam Naidu, Advocate sr.22537

CrI.O.P.No.7303 of 2017 &
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br (co)
ss (17/4/2017)