



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P(MD)Nos.15639 and 15656 of 2018
and
Crl.M.P(MD) No.6935 of 2018

Murugan

... Petitioner/Accused No.2
in both Crl.O.Ps

Vs.

The State Represented by
The Inspector of Police
C.B.I, Chennai.
in RC MA1 2009 A 0036

... Respondent/Complainant
in both Crl.O.Ps

Prayer in Crl.O.P(MD) No.15639 of 2018: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 14.08.2018 passed in Cr.M.P.No.1815 of 2018 in C.C. No.2 of 2011 on the file of the learned II Additional District Court for CBI cases, Madurai and direct the learned II Additional District Court for CBI cases to recall the DW 1 to cause the production of the loan documents filed and to give evidence on the same in C.C.No.2 of 2011 on the file of the learned II Additional District Court for CBI Cases, Madurai by allowing this Criminal Original Petition.

Prayer in Crl.O.P(MD) No.15656 of 2018: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 14.08.2018 passed in Cr.M.P.No.1814 of 2018 in C.C. No.2 of 2011 on the file of the learned II Additional District Court for CBI cases, Madurai and direct the learned II Additional District Court for CBI cases to recall the DW 1 to cause the production of the loan documents filed and to give evidence on the same in C.C.No.2 of 2011 on the file of the learned II Additional District Court for CBI Cases, Madurai by allowing this Criminal Original Petition.

For Petitioner
(in both Crl.O.Ps)

: Mr.M.Baskar

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent
(in both Crl.O.Ps)

: Mr.N.Nagendran
Special Public Prosecutor

**COMMON ORDER**

These Criminal Original Petitions have been filed to set aside the common order dated 14.08.2018 passed in Cr.M.P.Nos.1814 and 1815 of 2018 in C.C. No.2 of 2011 on the file of the learned II Additional District Court for CBI cases, Madurai and to direct the learned II Additional District Court for CBI cases to recall DW 1 to cause the production of loan documents filed and to give evidence on the same in C.C.No.2 of 2011 on the file of the learned II Additional District Court for CBI Cases, Madurai.

2. Heard the learned counsel for the petitioner.

3. The petitioner herein is the second accused in C.C.No. 2 of 2011 who has filed the applications to recall DW 1 and to bring certain documents Under Section 91 Cr.P.C.

4. The case of the petitioner is that, DW1 the bank officials who was summoned at the behest of A3, was cross examined by him. However, he did not question the witness regarding the title deeds deposited by him. Hence the witnessess has to be recalled to produce the documents and depose about the documents which were produced by him for availing loan and relevant to the case.

5. The trial court dismissed the applications on the ground that the petitioner has belatedly come forward with the plea which are sought to be adjudicated under Section 311 of Cr.P.C and Section 91 of Cr.P.C . These facts were not elucidated from the witness, who appeared before the court in response to the summons.

6. This Court finds no merits in the petitions . The trial Court has rightly considered the facts of the case and held that the accused has failed to elucidate the facts from the witness when he was summoned. Having waited so long, at the fag end of the trial, such applications cannot be entertained.

7. Hence, the Criminal Original Petitions are dismissed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To



2. The Inspector of Police
C.B.I, Chennai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.M.SANKAR, Advocate, SR.No. 81885

Cr1.O.P(MD) Nos.15639 and
15656 of 2018
03.09.2018

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