



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM

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THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Crl.O.P.(MD) No.17790 of 2018

V.Ganapathy Subramaniyan

...Petitioner/Accused No.3

Vs.

The Inspector of Police,
Vigilance and Anti-Corruption,
Tirunelveli.
Crime No.12 of 2009.

...Respondents

PRAYER: Criminal Original Petition - filed under Section 482 of Criminal Procedure Code, to direct the learned Chief Judicial Magistrate Cum Special Judge (Vigilance Anti-Corruption) Tirunelveli to complete the trial in Special Case No.56 of 2014 within the stipulated time as fixed by this Court.

For Appellant : Mr.S.R.Kumarezh

For Respondent: Mr.A.Robinson

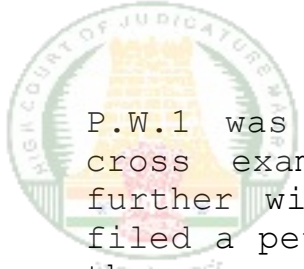
Government Advocate (Crl.Side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

2.This petition is filed by the third accused to direct the trial Court to execute the trial in S.C.No.56 of 2014, since the 'B' diary extract annexed to this petition reveals that for the past four years there is no progress in this case except examination of P.W.1 on 16.03.2016.

3.Report from the concerned Judge was called for. The learned Sessions Judge for Trial of Cases under Prevention of Corruption Act, Tirunelveli has sent his report in D.No.219 of 2018 dated 11.10.2018, wherein he has specifically stated that this S.C.No.56 of 2014 was initially filed before the learned Chief Judicial Magistrate, Tirunelveli as Special Case No.3 of 2011 and the same was transferred to the Special Court, newly constituted on 22.12.2014 and re-numbered as S.C.No.56 of 2014. Discharge petitions were filed by various accused on various dates and all were finally got disposed of on 30.11.2015 and thereafter



P.W.1 was examined on 16.03.2016. The accused person did not cross examine the witness. The prosecution has not brought further witnesses. In the said circumstances, the accused have filed a petition under Section 311 Cr.P.C. for recalling P.W.1 and the same was allowed on 04.06.2016 and presently the case is posted on 30.10.2018. However, the accused have not paid the witness batta for P.W.1 and for that reason the case could not be proceeded.

4.In the said circumstances, this Court finds that unless and until the petitioner and other accused co-operate for speedy disposal, there is no reason or justification to fix the date for completion the trial. If the petitioner and the other accused cooperates for trial on day-to-day basis, then the prosecution shall marshal their witnesses and complete the trial as expeditiously as possible on priority basis considering the long pendency of this case.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Chief Judicial Magistrate Cum Special Judge,
(Vigilance Anti-Corruption),
Tirunelveli.

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Tirunelveli.

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

+ 1 CC TO MR.S.R.KUMAREZH, ADVOCATE IN SR NO.90521

TA

BU/VB/SKN/SAR-I :22.10.2018 : 2P/5C

Cr1.O.P.(MD) No.17790 of 2018
11.10.2018