

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.153 of 2019

and

Crl.M.P.No.88 of 2019

S.Ganesan

.. Petitioner/Accused

Vs.

State by

The Inspector of Police

Chennai City IV,

Vigilance and Anti Corruption

(Crime No.9/AC/2009/CC-V)

.. Respondent/Complainant

PRAYER:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the entire records in connection with the C.M.P.No.904/2018 in Special Case No.20/2011 on the file of the Special Judge / Chief Judicial Magistrate, Tiruvallur, and set aside the order passed by the Special Judge / Chief Judicial Magistrate, Tiruvallur in C.M.P.No.904/2018 in Special case No.20/2011 dated 03.12.2018.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been filed by the petitioner to call for the entire records in connection with the C.M.P.No.904/2018 in Special Case No.20/2011 on the file of the Special Judge / Chief Judicial Magistrate, Tiruvallur, and to set aside the order passed by the Special Judge / Chief Judicial Magistrate, Tiruvallur in C.M.P.No.904/2018 in Special case No.20/2011 dated 03.12.2018.

2.The petitioner filed a petition in C.M.P.No.904/2018 in Special case No.20/2011 dated 03.12.2018 on the file of the Special Judge / Chief Judicial Magistrate, Tiruvallur to call and cross examine PW2 and PW3 under Section 311 of Cr.P.C.

3.The case of the prosecution is that the petitioner demanded and accepted a sum of Rs.2,000/- as bribe from PW2, an

agent of Thiru.Masiladass when approached the petitioner for patta and survey of the land at Survey No.1722/2, Patta No.20, at Methur Village, North Chennai Ponneri Circle.

4.The prosecution examined all the witnesses and after the cross examination of prosecution witnesses, the case was posted for questioning under Section 313(1)(b) Cr.P.C., and the same was also completed. Thereafter, the case was posted for defence side evidence on 23.10.2018. The list of defence side witnesses was not filed by the petitioner, hence, the case was posted to 30.10.2018 for filing list of defence witnesses. In the meanwhile, the petitioner filed a petition under Section 311 Cr.P.C to recall PW2 and PW3 for further cross examination, on the file of the learned Special Judge / Chief Judicial Magistrate, Tiruvallur, in C.M.P.No.904/2018 in Special case No.20/2011 dated 03.12.2018 and the same was dismissed, against which, the present Criminal Original Petition is filed.

5.The learned counsel for the petitioner would submit that the petitioner is implicated in the offence punishable under Prevention of Corruption Act, 1988. Unless the opportunity of cross examining PW2 and PW3 is given to the petitioner, he would be put to great prejudice. Accordingly, prays for allowing this petition.

6.The learned Government Advocate (Crl. Side) on instructions would submit that as a final opportunity, PW2 and PW3 would be produced on 21.01.2019 after payment of batta for the expenditure of PW2 and PW3 and the petitioner to complete the cross examination of PW2 and PW3 on the same day itself.

5.Considering the submissions of the learned Government Advocate, this Court directs the respondent to produce PW2 and PW3 on 21.01.2019. On the said date, the petitioner shall cross examine PW2 and PW3 after paying necessary batta. Thereafter, the Trial Court shall complete the trial within a period of one month.

6.In view of the above terms, without going into the merits of the case, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To.

1.The Inspector of Police
Chennai City IV,
Vigilance and Anti Corruption
(Crime No.9/AC/2009/CC-V)

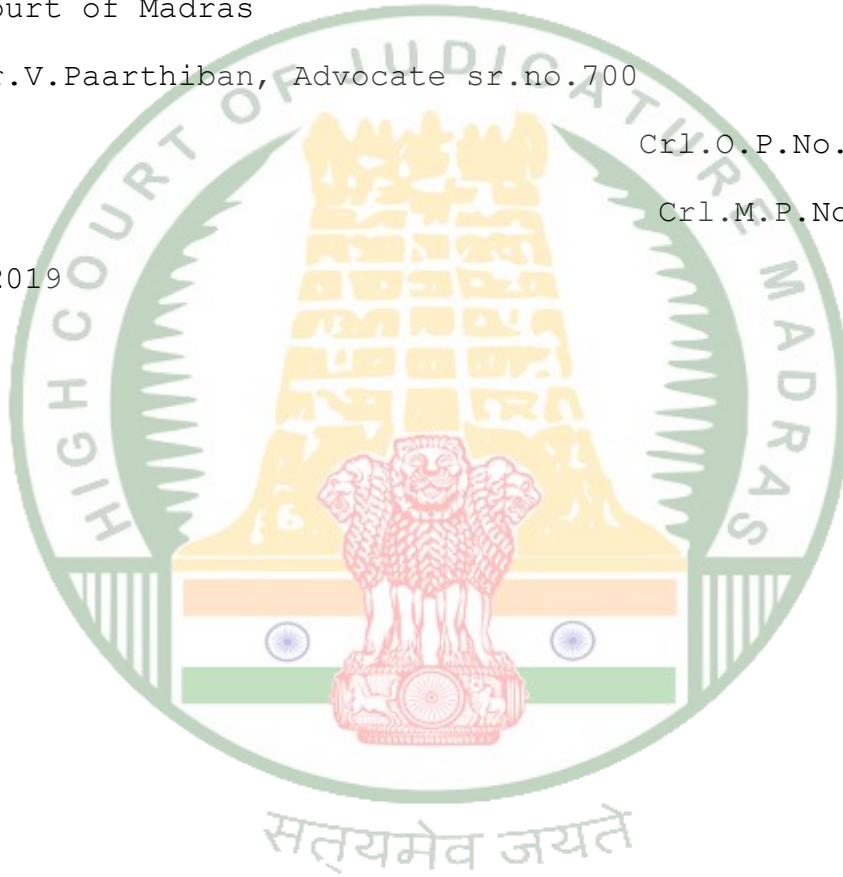
2.The Special Judge / Chief Judicial Magistrate
Tiruvallur

3.The Public Prosecutor
High Court of Madras

+1cc to Mr.V.Paarthiban, Advocate sr.no.700

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nr 07/01/2019



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