

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019
CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.480 of 2019

A.N.Selvam

... Petitioner

Vs.

The State

Rep. By the Inspector of Police
Vigilance and Anti Corruption,
Kancheepuram.
(Crime No.13/AC/2006)

.... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order passed by the Special Court, Chief Judicial Magistrate, Chengalpattu in Crl.M.P.No.1452 of 2018 in Special case No.4 of 2008 dated 20.12.2008.

For Petitioner : Mr.S.B.Viswanathan

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

ORDER

The petitioner has filed a petition under section 243 Cr.P.C. to permit him to examine one Mr.Kothandaraman as defence witness and issue summons for his appearance as per the provisions contained in Section 243 of Cr.P.C., The said petition was dismissed by the learned Special Judge (Chief Judicial Magistrate) at Chengalpattur on 20.12.2018, against which, the present Criminal Original Petition is filed.

2.The case of the prosecution is that the petitioner was charged for the offences punishable under Sections 7 and 13(2) r/w 13(2)(d) of the Prevention of Corruption Act, 1988 before the Special Court (Chief Metropolitan Magistrate Court) Chengalpattu in Special Case No.4 of 2008.

3.The learned Senior counsel appearing for the petitioner would submit that though the Trial commenced in the year 2008, the prosecution examined 13 witnesses i.e. PW1 to PW13 and the same was closed on 03.10.2018. Even the Investigating Officer was examined only on 03.10.2018. Therefore, the petitioner filed a petition under Section

243 Cr.P.C. with the above said prayer, the learned Trial Judge, dismissed the same on the ground that the petitioner is intending to prolong the matter.

4.The learned Senior Counsel would further submit that the petitioner / Accused has right to defend himself. Unless the petitioner is permitted to examine the defence witness, he will be put to great hardship and prejudice. Accordingly, prays for allowing this Petition.

5.The learned Government Advocate(Crl. Side) would submit on instructions that this court shall fix a date for the chief and cross examination of the defence witness and on the same day, the said defence witness will be cross examined.

6.Considering the above submissions made by the learned Government Advocate, the petitioner is hereby directed to produce the defence witness on 23.01.2018. The petitioner and respondent shall complete the chief and cross examination of the defence witness on the same day. Thereafter, the Trial Court shall complete the Trial within a period of one month i.e. on or before 23.02.2018.

7.Accordingly, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
Vigilance and Anti Corruption,
Kancheepuram.
(Crime No.13/AC/2006)

2.The Public Prosecutor
High Court of Madrs

3.The Section Officer

Criminal Side, High Court of Madras

+1cc to Mr.S.B.Viswanathan , Advocate SR.No. 2606

Cr1.O.P.No.480 of 2019

A.SK(01/02/2019)