



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.11955 of 2019

T.Elangovan ... Petitioner/Petitioner/Accused No. 1

Vs.

The State rep by,
The Inspector of Police,
SPE/CBI/ACB,
Chennai.

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order dated 30.07.2019 made in Cr.M.P.No.1474 of 2019 in C.C.No.11 of 2010, on the file of the II Additional District Judge for CBI Cases, Madurai.

For Petitioner : Mr.C.Muthu Saravanan

For Respondent : Mr.N.Nagendran
Spl. Public Prosecutor for CBI Cases

O R D E R

The petitioner is figuring as the first accused in C.C.No.11 of 2010, on the file of the learned II Additional District Judge for CBI Cases, Madurai. He filed Crl.M.P.No.1474 of 2019 in C.C.No.11 of 2010 for recalling of P.W.42/Purushothaman. The said petition was dismissed by the learned Trial Judge by the impugned order dated 30.07.2019, principally for reason that the petitioner is adopting delaying tactics. Though I am in full agreement with the reason assigned by the learned Trial Judge for dismissing the petition, I am of the view that interest of justice requires that the petitioner is to be given one more opportunity. In this view of the matter, the order impugned in this criminal original petition is set aside. The petitioner shall pay a sum of Rs.10,000/- to the witness/P.W.42 in the Court Hall after his testimony is recorded. P.W.42/Purushothaman will be examined on 06.09.2019. The petitioner shall conclude the cross examination of the said witness on the same day. The petitioner's counsel gives an undertaking that he will conclude the cross examination of the witness on the same day and however, he will not ask for further date. Of course, this is



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subject to the witness being available for cross examination on the said date, i.e., 06.09.2019. With this direction, this criminal original petition stands allowed.

SD

ASSISTANT REGISTRAR (WRITS)

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SUB ASSISTANT REGISTRAR (CS II)

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To

1.The II Additional District Court for CBI Cases,
Madurai.

2.The Inspector of Police,
SPE/CBI/ACB,
Chennai.

1CC TO MR.C. MUTHU SARAVANAN,ADVOCATE SR 83476

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JM/27.08.2019/2P-4C