



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) .Nos.13627, 13628, 13629 and 13630 of 2019

1.P.Arumugam

2.A.Ramakrishnan

... Petitioners (in all petitions)/
Accused No.2 & 3

Vs.

The State represented by
Inspector of Police,
C.C.I.W.C.I.D.,
Sivagangai District.
(Crime No.7 of 2005)

... Respondent (in all petitions)/
Complainant

PRAYER in **CRL.O.P. (MD) .No.13627 of 2019**: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District in Cr.M.P.No.7578 of 2019 in C.C.No.52 of 2009 vide order dated 31.07.2019 and consequently, direct the aforesaid learned Magistrate to recall the prosecution witnesses, namely, P.W.1 to P.W.10 for the purpose of cross examination.

PRAYER in **CRL.O.P. (MD) .No.13628 of 2019**: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District in Cr.M.P.No.7577 of 2019 in C.C.No.53 of 2009 vide order dated 31.07.2019 and consequently, direct the aforesaid learned Magistrate to recall the prosecution witnesses, namely, P.W.1 to P.W.8 for the purpose of cross examination.

PRAYER in **CRL.O.P. (MD) .No.13629 of 2019**: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District in Cr.M.P.No.9580 of 2019 in C.C.No.54 of 2009 vide order dated 31.07.2019 and consequently, direct the aforesaid learned Magistrate to recall the prosecution witnesses, namely, P.W.1 to P.W.9 for the purpose of cross examination.

PRAYER in **CRL.O.P. (MD) .No.13630 of 2019**: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District in Cr.M.P.No.7579 of 2019 in C.C.No.55 of 2009 vide order dated 31.07.2019 and consequently, direct the aforesaid learned Magistrate to recall the prosecution witnesses, namely, P.W.1 to



P.W.8 for the purpose of cross examination.

(in all petitions)

For Petitioners : Mr.R.Anand

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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ORDER

These Criminal Original Petitions have been filed challenging the order passed in Cr.M.P.No.7578, 7577, 9580 and 7579 of 2019 in C.C.Nos.52, 53, 54 and 55 of 2009, respectively, vide order dated 31.07.2019, and to recall the prosecution witnesses, namely, P.W.1 to P.W.10, P.W.1 to P.W.8, P.W.1 to P.W.9 and P.W.1 to P.W.8 respectively for the purpose of cross examination.

2.The learned counsel appearing for the petitioners would submit that the petitioners were charged for the offence under Sections 467, 468, 471 and 420 of IPC. There are totally four cases in C.C.Nos. 52, 53, 54 and 55 of 2009.

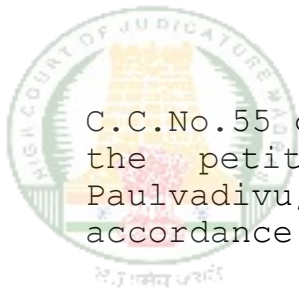
3.Though the applications filed for cross examination of P.W.1 to P.W.10, now he confined to cross examine only insofar P.W.10 in C.C.No.52 of 2009, namely Paulvadivu, and P.W.8 in C.C.No.53 of 2009 and P.W.10 in C.C.No.54 of 2009 and in P.W.8 in C.C.No.55 of 2009.

4.The learned Government Advocate (Criminal Side) would submit that the case is of the year 2009, prosecution has examined all witnesses and the matters have been posted for investigation of Investigating Officer. He further submitted that this petition has been filed only to protract the enquiry proceedings. Therefore, he opposed these petitions.

5.The petitioners are arrayed as A2 and A3. The prosecution examined P.W.1 to P.W.10 and the matters have been posted for investigation officer's evidence. Now the learned counsel for the petitioners confined to cross examine only P.W.10 in C.C.No.52 of 2009, namely Paulvadivu, and P.W.8 in C.C.No.53 of 2009 and P.W.10 in C.C.No.54 of 2009 and in P.W.8 in C.C.No.55 of 2009.

6.Admittedly, the petitioners did not cross examine the said Paulvadivu, in all the cases, who conducted enquiry under Section 81 of the Co-operative Societies Act.

7.Considering the facts and circumstances of the case, order passed by the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District in Cr.M.P.No.7578, 7577, 9580 and 7579 of 2019 in C.C.Nos.52, 53, 54 and 55 of 2009, respectively, vide order dated 31.07.2019 are set aside. The petitioners are directed to cross examine the said witness, namely, Paulvadivu, who were examined as P.W.10 in C.C.No.52 of 2009, namely Paulvadivu, and P.W.8 in C.C.No.53 of 2009 and P.W.10 in C.C.No.54 of 2009 and in P.W.8 in



C.C.No.55 of 2009, on the date shall be fixed by the trial Court. If the petitioners failed to cross examine the said witness, namely, Paulvativu, the trial Court is directed to proceed with the trial in accordance with law.

8. Accordingly, these Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

das

To

- 1.The Judicial Magistrate No.II,
Sivagangai, Sivagangai District.
- 2.The Inspector of Police,
C.C.I.W.C.I.D.,
Sivagangai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P.(MD).Nos.13627, 13628,
13629 and 13630 of 2019
30.09.2019

DKS (CO)

TR(07.11.2019) 3P 4C