

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.260 of 2020

and

Crl.M.P.No.151 of 2020

Gunvantrai S.Joshi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Central Bureau of Investigation,
EOW, Chennai.

... Respondent

PRAYER: Petition filed under Section 482 of Cr.P.C., seeking to set aside the impugned order dated 17.12.2019 passed in Crl.M.P.No.2657 of 2019 in C.C.No.5997 of 2012 by the learned Additional Chief Metropolitan Magistrate Court at Egmore, Chennai and allow the said Crl.M.P. filed by the petitioner.

For Petitioner : Mr.A.Arun Anbumani

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
for CBI Cases

O R D E R

This Criminal Original Petition has been filed seeking to set aside the impugned order dated 17.12.2019 passed in Crl.M.P.No.2657 of 2019 in C.C.No.5997 of 2012 by the learned Additional Chief Metropolitan Magistrate Court at Egmore, Chennai and allow the said Crl.M.P. filed by the petitioner.

2. The case of the petitioner is that the petitioner/ 2nd Accused is facing trial in C.C.No.5997 of 2012 before the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai for the offences under Sections 120-B read with 7(1)(a) (ii) of Essential Commodities Act read with Clause 25(1) and (2) of Fertilizers Control Order, 1985.

3. During trial in the above C.C.No.5997 of 2012 as on 29.10.2014 the prosecution had examined 24 witnesses and marked several exhibits on its side. Thereafter, the accused No.1 had filed a petition under Section 311 Cr.P.C to recall PW1 to PW24 for cross examination and the said petition was allowed and the matter was posted for cross examination of the witnesses and the same was also completed. The petitioner/ A2 did not cross examined PW25 who is the Investigating Officer, but the cross examination of witness was closed in respect of PW25. Hence, he filed a petition to recall PW25. The said petition was dismissed on the ground that inspite of an opportunity being given to cross examine the witness, the petitioner had not cross examined the said witness only to drag on the trial.

4. The learned counsel for the petitioner would submit that PW25 is the Investigating Officer and is a crucial witness and the petitioner is ready to bear the costs imposed by this court. Hence, he prays to allow this petition.

5. The learned Special Public Prosecutor for CBI Cases would submit that any reasonable costs may be imposed and the next hearing of the C.C.No.5997 of 2012 is on 20.02.2020 and the petitioner may be permitted to cross examine PW25 on the said date without fail.

6. In view of the above facts and circumstances, the petitioner is directed to pay costs of Rs.30,000/- (Rupees Thirty Thousand only) for travelling and other expenses of PW25 and cross examine the said witness on the next hearing date i.e., on 20.02.2020 without fail.

7. With the above direction, this criminal original petition is disposed of. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.

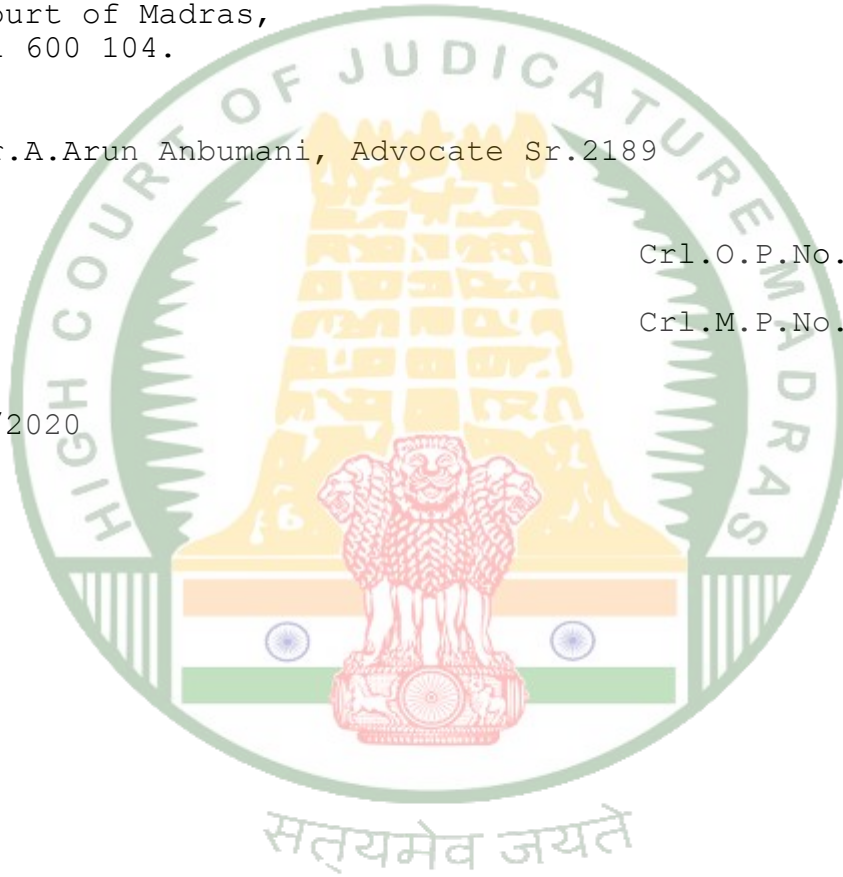
2.The Inspector of Police,
Central Bureau of Investigation,
EOW, Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+lcc to Mr.A.Arun Anbumani, Advocate Sr.2189

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srg 07/02/2020



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