

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Crl.O.P.No.17981 of 2020

and

Crl.M.P.No.7028 of 2020

1.M/s.Star Farms & Poultry, ... Petitioners
No.20/362, Main Road,
Near Mariyamman Kovil,
Vellode,
Erode District.
Pin-638 112.

2.S.Kamal Basha
S/o,Sathick

3.K.Ammu
W/o,S.Kamal Basha

Petitioners 2 and 3 are residing at
No.42/61, V.I.P. Nagar,
Pavadi Street,
Perundurai,
Erode District.

Vs

The State Represented by ... Respondent
The Inspector of Police,
Economic Offence Wing-II,
Erode.

Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records and set aside the order dated 22.10.2020 passed in Crl.M.P.No.794 of 2020 in C.C.No.14 of 2012 on the file of the Court of the Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioner : Mr.S.Venkatesh

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners are facing the criminal prosecution for the offences under sections 120(b), 406, 420 IPC and section 5

of TNPID Act, 1997.

2. The case levied against the petitioners in C.C.No.14 of 2012 is pending on the file of the Special Court for TNPID Act, Coimbatore.

3. Pending trial of the abovesaid case, it is noted that the petitioners preferred the petition under section 311 Crpc to recall P.Ws.7, 27, 66, 67, 68, 76 and 103 for the purpose of cross examining them. The abovesaid petition preferred by the petitioners had been stiffly resisted by the respondent police contending that the petitioner is only intended to delay the proceedings and sought for dismissal of the same.

4. The Court below on a appreciation of the submissions putforth by the petitioners and the respondent police, deemed it fit to dismiss the petition preferred by the petitioners. Assailing the same, the present, Criminal Original Petition has been preferred by the petitioners.

5. As rightly held by the Court below, the petitioners have not stated any valid and acceptable reasons for recalling P.Ws.7, 27, 66, 67, 68, 76 and 103 for the purpose of cross examination. The only grievance putforth by the petitioners is that the case levied by them is a premature case and as rightly held by the Court below, the same had been disputed by the respondent police.

6. It is seen that as per the final report, the petitioners are due in sum of Rs.2,86,00,500/- in respect of 119 depositors. The case has been pending from the year 2012. The present stage of the case is that all the witnesses have been examined and I.Os have to be examined. At that stage of the matter, the present petition has come to be filed by the petitioners.

7. Now, according to the petitioners, for arriving a settlement, the recall of the abovesaid witnesses is essential and therefore the petition should have been entertained by the Court below. However, as rightly held by the Court below, no specific reason worth acceptance has been assigned by the petitioners for recalling all the abovesaid witnesses. When it is noted that the petitioners had been successfully dragging on the case from 2015 onwards as held by the Court below and when the petitioners had not endeavoured to recall the abovesaid witnesses at the earliest point of time and with reference to the same, as no valid or acceptable reason has been assigned by the petitioners, the Court below is found to be justified in holding that the petition is bereft of merits and the petitioner is only intended to drag on the proceeding endlessly and harass the depositors and the respondent.

8. In the light of the abovesaid reasons, I do not find any error or infirmity in the impugned order of the Court

below and hence the Criminal Original Petition merits no acceptance. In conclusion, the Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is also closed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

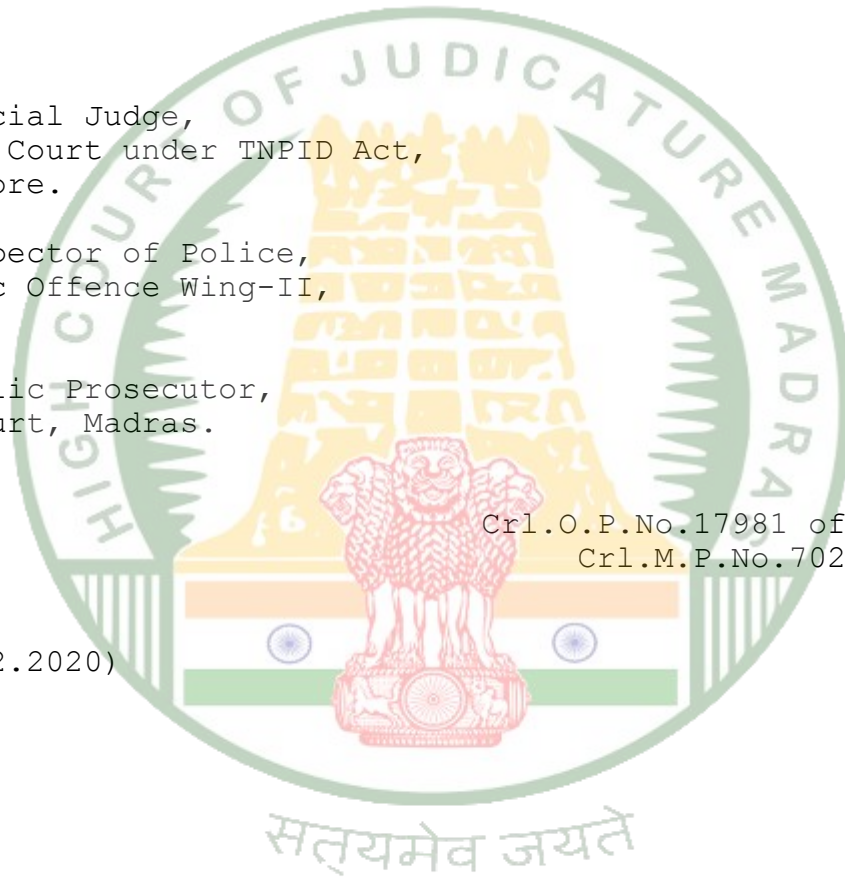
mfa

To

- 1.The Special Judge,
Special Court under TNPID Act,
Coimbatore.
- 2.The Inspector of Police,
Economic Offence Wing-II,
Erode.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.17981 of 2020 and
Cr1.M.P.No.7028 of 2020

BP (CO)
UMY (18.12.2020)



WEB COPY