

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 28623 of 2019

1.R.Kannusamy

S/o.Ramaiya Gounder

No.2/214, Pattakaranpalayam,

Perundurai Taluk,

Erode District.

2.P.Mohanasundaram

S/o.Periyasamy Gounder,

No.2/215, Pattakaranpalayam,

Perundurai Taluk,

Erode District.

... Petitioners

Vs.

State rep. by Sub Inspector of Police,

Inspector of Police,

Economic Offence Wing,

Perundurai.

(Crime No.1005/2012)

Erode District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the conditional order dated 11.10.2019 made in C.M.P.No.2050 of 2019 in C.C.No.7 of 2014 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to set aside the conditional order dated 11.10.2019, passed by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore in C.M.P.No.2050 of 2019 in C.C.No.7 of 2014 thereby dismissed the petition filed by the petitioner under Section 311 of Cr.P.C. to recall P.W.14 to P.W.24 and P.W.38 to P.W.110 for the purpose of cross examination.

2. The learned counsel for the petitioners submitted that the petition filed under Section 311 Cr.P.C., to recall 84 witnesses was allowed by the trial Court. However, while allowing the petition the trial Court imposed onerous condition of depositing 1/4th of the default amount, which ought not to have been ordered by the trial Court. Hence, he has filed this petition.

3. The learned Additional Public Prosecutor would submit that after hearing both sides only, the Court below has passed the detailed order dismissing the petition filed by the petitioners. Hence, he prayed for dismissal of this petition.

4. Heard Mr.M.Guruprasad, the learned counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor for the respondent.

5. It is seen that the petition filed under Section 311 of Cr.P.C., to recall 84 witnesses examined from 16.07.2015 to 04.05.2018 has been allowed by the trial Court, on condition that the petitioners / accused shall deposit 1/4th of default amount, stating the reason that no specific reason has been assigned for not cross-examining those 84 witnesses and also considered that the default amount to be paid by the accused to the investors is Rs.2,40,06,300/- and till date no one is settled. Therefore, the trial Court has rightly imposed the depositing condition while allowing the petition filed under Section 311 Cr.P.C. as such this Court finds no infirmity or illegality in the order passed by the Court below.

6. Accordingly, this Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

bri

To

1.The Special Judge,
Special Court under TNPID Act Cases
Coimbatore

2.The Sub Inspector of Police,
Inspector of Police
Economic Offence Wing,
Perundurai,
Erode District.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28623 of 2019

aa21/10/2020