

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3497 of 2021

and

Crl.MP.No.2031 of 2021

P.Kiruthika

..Petitioner/Petitioner/6th Accused

Vs.

The State rep. by
The Deputy Superintendent of Police,
EOW-II,
Coimbatore.
Crime No.7 of 2012

..Respondent/Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 11.01.2021 made in Cr.M.P.No.4 of 2021 in C.C.No.12 of 2013 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore to allow the petitioner to re-open and recall the evidence of PW73, PW74 and PW78 for cross examination on a date fixed by this Hon'ble Court.

For Petitioner : Mr.S.Arjun

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 311 of Cr.P.C. to reopen and recall PW1 to PW78 for cross examination.

2. The petitioner, who has been arrayed as sixth accused (A6) in the additional final report filed by the respondent police, is facing trial for the offences under section 120(b), 406 and 420 IPC and Section 5 of the Tamil Nadu Protection of Depositors (in Financial Establishments) Act, 1997. The prosecution had examined 78 witnesses and none of the witnesses were cross examined by the petitioner.

3. The petitioner filed a miscellaneous petition in Crl.MP.No.2837 of 2019 to recall PW1 to PW78 for cross examination. This application was allowed by the Court below by an order dated 27.02.2020 by imposing condition to pay costs to each of the witnesses within the time stipulated by the Court below. The petitioner failed to comply with the condition and as a result of the same, the application got automatically dismissed. The petitioner did not challenge the order passed in this application. It is also relevant to take into consideration the fact that A7 also filed a similar application and the same was allowed by imposing the same condition and it became a subject matter of challenge before this Court in Crl.MP.No.18249 of 2020 and this Court dismissed the petition by an order dated 20.11.2020.

4. The petitioner had chosen to file one more application under Section 311 of Cr.P.C. to reopen and recall PW1 to PW78 for cross examination. This application was dismissed by the Court below by an order dated 11.01.2021. Aggrieved by the same, the present petition has been filed before this Court.

5. In the considered view of this Court, there is no illegality or infirmity in the order passed by the Court below. The Court below has given cogent reasons for the dismissal of the application and there are absolutely no grounds to interfere with the same.

6. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Special Judge, Special Court under TNPID Act, Coimbatore.
2. The Deputy Superintendent of Police, EOW-II, Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.3497 of 2021
and CrI.MP.No.2031 of 2021

GPL (CO)
SP(16/03/2021)



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