

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.4661 of 2021
Crl MP No.2972 of 2021

Guru @ Gurusamy

... Petitioner/Petitioner/Accused 2

vs.

State Rep by its
D.S.P.,
E.O.W.-II,
Namakkal District.

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of dismissal passed in Cr.MP.No.1490 of 2020 in CC No.28 of 2012 dated 21.01.2021 on the file of the Special Judge, under the TNPID act Cases at Coimbatore by allowing the present Criminal Original Petition.

For Petitioner : Mr.N.Ranjith
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 311 of the Code of Criminal procedure, to recall P.W.1 to P.W.89 for the purpose of cross-examination.

2. The petitioner is facing trial before the Court below for an offence under Sections 406, 420, 120(b) of IPC and Section 5 of TNPID Act. The prosecution had examined 89 witnesses from the period from 2015 to 2016 and none of the witnesses were cross-examined by the petitioner. The questioning under Section 313 of the Code of Criminal Procedure was also completed on 27.04.2016. From then on the matter is continuously adjourned till 2020 and in the meantime the accused persons were not properly attending the proceedings and non-bailable warrant was issued and the matter got sufficiently dragged.

3. The matter was at the stage of final arguments and the argument on the side of the prosecution was also over and the case was at the stage of defence arguments. At this stage, an

application came to be filed by the petitioner under Section 311 of the Code of Criminal Procedure to recall P.W.1 to P.W.89 for cross-examination. This application was dismissed by the Court below. Aggrieved by the same, the present petition has been filed before this Court.

4. Heard Mr.N.Ranjith learned counsel appearing for the petitioner and Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent.

5. This Court does not find any illegality or infirmity in the order passed by the Court below and there are absolutely no reasons to interfere with the order passed by the Court below. The Court below has given cogent reasons as to why the application filed by the petitioner has absolutely no merits.

6. In the result, this petition is dismissed and the Court below is directed to complete the proceedings in CC No.28 of 2012 within a period of two months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Special Judge
under the TNPID Act Cases
Coimbatore

2. The D.S.P.,
E.O.W.-II,
Namakkal District.

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

+1cc to Mr.N.Ranjith, Advocate, SR.No.14951.

Cr1.O.P No.4661 of 2021

Cr1 MP No.2972 of 2021

GPL (CO)

CSR 08.04.2021