



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18160 of 2021

&

CRL.M.P.No.9987 of 2021

Murugesan

...Petitioner

Vs.

The State thro' Deputy Superintendent of Police,
Perambalur.(Crime Number 24/2007
on the file of the Maruvathur Police Station) ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 17th March 2021 passed by the Learned Sessions Judge, Special Court for SC/ST (PoA) Act, Perambalur in Crl.M.P.No.263/2021 in Special SC.No.4/2008 and allow the said petition.

For Petitioner : Mr.A.S.Balaji

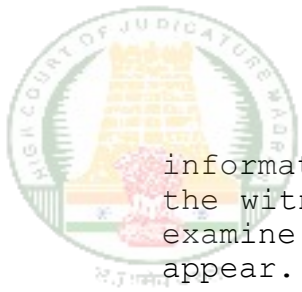
For Respondent : Mr.A.Damodharan,
Addl.Public Prosecutor

ORDER

The petitioner, who is A1 in Special S.C.No.04 of 2008 on the file of the Special Court for SC/ST (PoA) Act, Perambalur, is facing trial for the offences under Section 342, 324, 506(ii) R/w 3(1)(X), 3(1)(XI) of SC/ST Act of 1989 has filed this petition.

2. The contention of the petitioner is that he has filed a Criminal Miscellaneous Petition in Crl.M.P.No.263 of 2021 before the lower court under Section 311 Cr.P.C. to recall of P.W.1 to P.W.6 and P.W.19, however, the same was dismissed by the lower Court, vide its order dated 17.03.2021. Against the said dismissal order, the petitioner has filed this Criminal Original Petition.

3. The learned counsel for the petitioner submitted that certain vital information relating to the case has to be elicited during the cross examination of PW1 to PW.6 and PW19, and for that purpose, all the above 7 witnesses to be cross examined. He further submitted that if the cross examination of 7 witnesses is permitted, petitioner will bring to light that the case of the prosecution is tainted motivated. The petitioner, cautiously, now not disclosing the vital



information for the reason that the prosecution might tutor the witnesses. He further submitted that he is ready to cross examine all the above witnesses, on the same day, if they appear.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had committed the aforesaid offences in the year 2007 and charge sheet filed in the year 2008. Now, the case is at the penultimate stage and the Investigation Officer is to be examined. Except the Investigation Officer, all other witnesses were examined and cross-examined by the petitioner. Now, recalling P.W.1 to P.W.6 and P.W.19 would amount to further delay the case harassment to the witnesses. He further submitted that this is a case under SC/ST Act. As per the Act, the trial has to be completed within a stipulated period, however, in the present case, the trial is pending for more than 13 years. Further delay of trial would defeat the purpose of the Act. Hence, objected this petition being allowed, since as stated above except the Investigation Officer, all other witnesses were cross-examined viz., P.W.1 was cross-examined on 27.08.2019; P.W.2, P.W.3, P.W.5 & P.W.6 were cross-examined on 05.09.2019 and P.W.19 was cross examined on 04.01.2021. The petitioner not produced any materials to show, for what reason the witnesses to be recalled and how prejudice would be caused to the petitioner.

5. From a perusal of the materials, it is evident that as rightly stated by the learned Additional Public Prosecutor for the respondent, this case is pending from the year 2007 and the prosecution witnesses viz., P.W.1 was cross-examined as early as on 27.08.2019 and P.W.2, P.W.3, P.W.5 & PW6 were cross-examined on 05.09.2019 and PW9 was cross-examined on 04.01.2021. It is also seen that the petitioner is unable to give reasons for what purpose these witnesses to be cross-examined once again and what facts to be elicited. Further, there is no reason to interfere with the order of the trial Court.

6. In view of the above, this Court is not inclined to entertain this Criminal Original Petition filed by the petitioner and therefore, the same is liable to be dismissed.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. Considering the fact that trial is kept pending from the year 2008, for decades, Trial Court to complete the Trial within two months.

Sd/-

Assistant Registrar

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mrp/mdl

To

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1. The Sessions Judge,
Special Court for SC/ST (PoA) Act,
Perambalur.
2. The Deputy Superintendent of Police,
Perambalur.
3. The Public Prosecutor(Crl.Side),
High Court, Madras.

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&
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SRA (CO)
SB(12/11/2021)