



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

CrI.O.P. (MD)No.2198 of 2021

in

CRL MP(MD).No.62 of 2021

WEB COPY

Sureshkumar

...Petitioner

/Vs./

State through

The Inspector of Police,

E.O.W II,

Madurai District.

(Crime No.1 of 2012)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the orders dated 19.01.2021 passed by the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act Cases, Madurai, in CrI.M.P.No.62 of 2021.

For Petitioner : Mr.Niranjana S.Kumar

For Respondent : Mr.A.Robinson

Government Advocate (Criminal Side)

ORDER

This petition is filed to set aside the orders dated 19.01.2021 passed by the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act Cases, Madurai, in CrI.M.P.No.62 of 2021.

2.The main grievance of Mr.Niranjana S.Kumar, learned counsel for the petitioner is that after the examination of the Investigating Officer, the petitioner came to know that some important aspects were omitted to be put to PW1,2 and 9. Therefore, he filed a petition under Section 311 of the Code of Criminal Procedure for recalling of those witnesses. However, the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act Cases, Madurai dismissed the petition in Cr.M.P.No.62 of 2021 filed under Section 311 of the Code of Criminal Procedure by the present petitioner.

3.The order passed by the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act Cases, Madurai, in CrI.M.P.No.62 of 2021 dated 19.01.2021 reads as follows:

"6.From the above it is clear that the petitioners did not cross examine the witnesses on the same day, chief examination was recorded and subsequently opportunity was given to the petitioners to cross examine the witnesses by



recalling the witnesses. Now again this petition is filed stating that some vital questions were omitted to be asked to the witnesses. It is not stated as to what aspect the petitioner has to cross examine the witnesses. From records, it is seen that PW1 and PW2 who are the depositors in the financial establishment has appeared before this Court for trial on three days. So this Court is of the view that sufficient opportunity was already given to this petitioner and those witnesses were cross examined in detail. This petition is only to delay the proceedings and devoid of merit.

In the result, the petition is dismissed."

4.A perusal of the orders passed by the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act Cases, Madurai, while passing a well considered order has also observed that the petitioner is trying to protract the proceedings. Therefore, I do not see any grounds to interfere with the orders passed by the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act Cases, Madurai, in Crl.M.P.No.62 of 2021 dated 19.01.2021. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar ()

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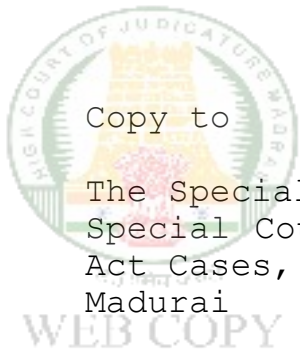
/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
E.O.W II,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to

The Special Judge
Special Court under Tamil Nadu Protection of Interest of Depositors
Act Cases,
Madurai

Crl.O.P. (MD)No.2198 of 2021
12.03.2021

MJ(CO)
KB(17.04.2021) 3P 4C