



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.03.2021**

CORAM :

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

Crl.O.P.(MD)No.4641 of 2021
and
Crl.M.P(MD).No.2615 of 2021

Valarmathi

...Petitioner

/Vs./

State rep., by
The Inspector of Police,
E.O.W., Madurai.
(Crime No.4 of 2017)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the learned Special Judge, Special Court for Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act Cases, Madurai in Crl.M.P.No.242 of 2021 in CC.No.11 of 2019 and set aside the order dated 03.02.2021.

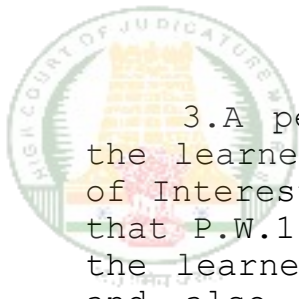
For Petitioner : Mr.N.Ranjith

For Respondent : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The petitioner is the second accused in CC.No.11 of 2019 on the file of the Special Court under Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act 1997, Madurai. During the course of trial, the prosecution examined 13 witnesses on various dates from 24.02.2020 to 05.03.2020. The petitioner, subsequently, filed a petition in Crl.M.P.No.242 of 2021 in CC.No.11 of 2019 under Section 311 of the Code of Criminal Procedure for the purpose of cross-examine P.W.16. The said petition was dismissed by the learned Special Judge, Special Court for Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act 1997, Madurai, vide its order dated 03.02.2021. Aggrieved over the same, the present petition is filed by the petitioner.

2.Mr.N.Ranjith, learned counsel appearing for the petitioner contended that due to COVID-19 situation, he was not able to cross-examine P.W.16.



3.A perusal of the records, especially, the orders passed by the learned Special Judge, Special Court for Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, shows that P.W.16 was examined on 30.11.2020 and on that particular date, the learned counsel for the petitioner filed a memo of appearance and also was present in the open Court at the time of Chief Examination of P.W.16. The learned Judge further observed that as follows:

".....

7.It has become a practice before this Court that till the prosecution witnesses were completed, the counsels for the accused would not cross examine any of the witnesses and after prosecution evidence is over, they would file application to recall all the witnesses. In view of the judgment, the Hon'ble Supreme Court in the case Vinod Kumar (vs) State of Punjab, such a practice cannot be permitted. Here, when the witnesses were examined, the petitioners and their counsels were present and they did not avail the opportunity. Hence, this Court is of the view that there is no merits in the application and the petition has to be dismissed.

In the result, this petition is dismissed."

4.The learned Subordinate Judge, Special Court for Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act 1997, Madurai has passed a well considered order and I do not see any reason to interfere with the same. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar

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 Subordinate Judge,
Special Court for Tamil Nadu Protection
of Interests of Depositors
(In Financial Establishments) Act Cases, Madurai.

2.The Inspector of Police,
E.O.W., Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.4641 of 2021
26.03.2021

RMK

VB/29.04.2021/3P.4C