



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**  
**Crl.O.P. (MD) No.14085 of 2021**

WEB COPY

1.Jeyalakshmi  
2.Muthukumar

... Petitioners/Accused Nos.1 and 2

Vs.

The State rep. by  
The Inspector of Police,  
Economic Offences Wing,  
Virudhunagar.  
Cr.No.4 of 2005

... Respondent/Complainant

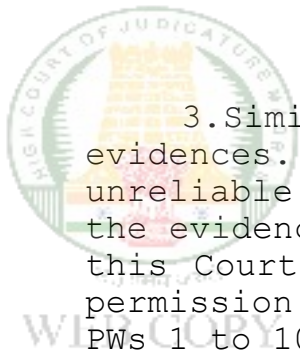
**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order by allowing the petitioner to cross examine the witnesses of PW1 to PW10 passed by the Special Court under TNPID Act, Madurai in Crl.M.P.No.1394 of 2021, in C.C.No.6 of 2011 dated 17.08.2021 on the file of Special Court under TNPID Act, Madurai.

|                 |                                                         |
|-----------------|---------------------------------------------------------|
| For Petitioner  | : Mr.M.Sankar                                           |
| For Respondents | : Mr.K.Sanjai Gandhi<br>Government Advocate (Crl. Side) |

**ORDER**

This petition is filed challenging the order passed by the Special Court under TNPID Act in Crl.M.P.No.1394 of 2021, in C.C.No.6 of 2011 dated 17.08.2021 on the file of Special Court under TNPID Act, Madurai and to permit the petitioners to cross examine the witnesses of PW1 to PW10.

2.By the impugned order, the trial Court dismissed the petition filed by the petitioners under Section 311 Cr.P.C., which was filed for recalling the witnesses PW1 to PW10. It appears that PWs1 to 3 were examined in chief on 24.08.2017 and PWs 4 to 10 on 17.09.2021. It appears that on the date of chief examination, though the learned counsel for the petitioners and the petitioners themselves were present, they have not chosen to cross examine the witnesses. Now after a lapse of four years, when 313 Cr.P.C. proceedings are conducted, this petition came to be filed. On that ground, it has been dismissed. No doubt there is laxity on the part of the petitioners, if they cross examined the witnesses.



3. Similarly there is a delay of four years in recalling the evidences. The reason assigned by the petitioners is absolutely unreliable and without any basis. However, without cross examining the evidences a fair trial may not be possible. On that sole ground this Court is of the considered view that on stringent conditions, permission may be granted to the petitioners to cross examine the PWs 1 to 10.

1) The petitioners must deposit a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to each of the witnesses to the credit of C.C.No.6 of 2011 before the trial Court, within a period of 15 days from the date of receipt of a copy of this order.

2) On such deposit, the trial Court is directed to recall the witnesses P.Ws.1 to 20 for cross examination by fixing a particular date. On that date, the petitioners must cross examine the witnesses without fail. If any failure is noticed, then the further right to cross examine the witnesses will be forfeited.

4. With the above directions, this criminal original petition is allowed and the order passed by the trial Court in Crl.M.P.No.1394 of 2021 in C.C.No.6 of 2011 dated 17.08.2021, is hereby set aside.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Special Judge, Special Court under TNPID Act Cases, Madurai.
2. The Inspector of Police,  
Economic Offences Wing,  
Virudhunagar.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



+1 CC to M/s.M.SANKAR, Advocate ( SR-30068[F] dated 23/09/2021 )

CrI.O.P. (MD) No.14085 of 2021  
22.09.2021

DKS(CO)

KB(25.10.2021) 3P 5C

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