



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.18858 of 2021
and
Crl.M.P. (MD)No.10456 of 2021

P.Sivaraj

... Petitioner/Petitioner/
Accused No.3

Vs.

State represented by
The Inspector of Police,
Economic Offences Wing Police Station,
Madurai District.

... Respondent/Respondent/
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the Special Judge, Special Court under TNPID Act Cases, Madurai in Cr.M.P.(MD)No.1862 of 2021 in C.C.No.9 of 2014 dated 13.10.2021 and recall the P.W.1 to P.W.89 for the purpose of cross examination.

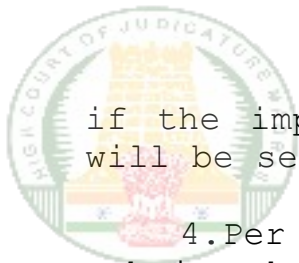
For Petitioner	:	Mr.P.Aju Tagore
For Respondent	:	Mr.T.Senthil Kumar, Addl. Public Prosecutor.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

2.The petitioner is facing trial in C.C.No.9 of 2014 for the offence under TNPID Act, 1997. The petitioner filed Cr.M.P.No.1862 of 2021 to recall and cross examine P.W.1 to P.W.89. The said petition was dismissed by the trial Court vide order dated 13.10.2021. Challenging the same, this criminal original petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this petition. He submitted that the petitioner intends to settle the charges and he only wants some more time. He submitted that



if the impugned order is sustained, his right to defend himself will be seriously infringed.

4.Per contra, the learned Additional Public Prosecutor submitted that the impugned order does not call for any interference.

5.I carefully considered the rival contentions and went through the materials on record. The learned trial Judge has noted that the trial commenced in the year 2017 and most of the witnesses were examined between April 2017 to December 2017. The petitioner has not given any convincing reason as to why, he did not cross examined the witnesses after they were examined in chief. The learned trial Judge had also observed that it had become a practice in that Court that till the completion of trial by examining 100 or 200 witnesses, the accused will not cross examine them and after questioning under Section 313 of CrPC, he would come forward with petitions for recall of all the witnesses. I have no doubt in my mind that the very purpose of filing this petition was to drag on the matter. TNPID Act was enacted with the noble object of speedily settling the claims of the depositors. But on account of the conduct of the accused, this object has been totally defeated. Even in this case, the FIR was registered way back in the year 2013. Final report was filed and cognizance was taken in the year 2014. For more than seven years, the matter has been kept pending. If I today set aside the order of the learned trial Judge and allow this criminal original petition, the respondent police will have to once again bring back all the 89 witnesses for cross examination. That would delay the conduct of the trial indefinitely. The learned trial Judge has correctly approached the issue and the impugned order does not call for any interference. The criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The Special Court for TNPID Act Cases,
Madurai.

2.The Inspector of Police,
Economic Offences Wing Police Station,
Madurai District.

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

+1 CC to M/s.P.AJU TAGORE, Advocate (SR-37125[F] dated
02/12/2021)

Crl.O.P(MD)No.18858 of 2021
01.12.2021

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