



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.5292 of 2022

and

Crl.M.P.No.2881 of 2022

Vinoth @ Chellasamy

...Petitioner/2nd Accused

Vs.

State By

The Inspector of Police

Economic Offences Wing-II,

Coimbatore.

(Crime No.6 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order made in CMP No.2456 of 2021 dated 16.02.2022 in C.C.No.2 of 2018 on the file of the Special Judge, Special Court under Tamil nadu Protection of Interest, Depositors Act, Coimbatore.

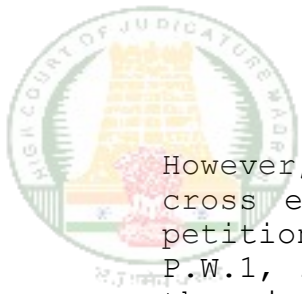
For Petitioner : Mr.C.Murugendran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed against the order of the learned Special Judge, Special Court under Tamil Nadu Protection of Interest, Depositors Act, Coimbatore, dismissing the application in CMP No.2456 of 2021 dated 16.02.2022 in C.C.No.2 of 2018.

2. The petitioner had filed the application in CMP No.2456 of 2021 to recall the witnesses P.W.1 to P.W.21 and P.W.23 for cross examination whereas, the trial Court taking into consideration of the delay in cross examination, dismissed the same. At the outset, this Court does not find any infirmity in the order of the Court. The trial shall be conducted on day to day basis. The accused cannot protract the proceedings.



However, taking note of the fact that the witnesses were not cross examined and in order to give a fair opportunity as the petitioner is restricted to examine only few witnesses viz., P.W.1, 2 , 4, 9 , 10, 13, 14, 15, 17 and 23, this Court is of the view that as a last chance, a fair opportunity to be given to the petitioner.

3. Accordingly, the order rejecting the petition in CMP No.2456 of 2021 dated 16.02.2022 in totality is set aside. The trial Court shall summon the witnesses P.W.1, 2 , 4, 9 , 10, 13, 14, 15, 17 and 23 and fix a date for such witnesses. The cross examination should be completed at any case on the same day, on the date fixed by the Trial Court. The cross examination shall be completed within 2 weeks. The petitioner is directed to deposit a sum of Rs.20,000/- towards cost to the witnesses before the trial Court. The trial Court shall distribute the cost evenly to the witnesses summoned before the trial court viz. Rs.2,000/- per witness.

4. With the above directions, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksa-2/anu

To

1. The Special Judge,
Special Court under Tamil Nadu Protection of Interest,
Depositors Act, Coimbatore.
2. The Inspector of Police
Economic Offences Wing-II,
Coimbatore,
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.G.Murugendran, Advocate, S.R.No.33800

Crl.O.P. No.5292 of 2022 and
Crl.M.P.No.2881 of 2022

AJS (CO)
UMA (24/06/2022)