



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.No.8061 of 2022

M.Natarajan

...Petitioner

Vs.

State rep. by
Inspector of Police,
V & A.C., CC-I Unit,
Chennai.

(Crime No.:09/AC/2010)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu in Crl.MP.No.541 of 2022 in Spl.CC.No.05 of 2011 dated 09.03.2022.

For Petitioner : P.Ezhil Nilavan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This petition is filed to set aside the order passed by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu in Crl.M.P.No.541 of 2022, in Spl.CC.No.05/2011, dated 09.03.2022.

2.The learned counsel for the petitioner submitted that the petitioner filed the aforesaid Criminal Miscellaneous Petition under Section 311 Cr.P.C. to recall PW4 and PW12 for the purpose of cross examination. The learned Trial Judge has dismissed the petition, therefore this petition.

3.In response, the learned Additional Public Prosecutor submitted that PW4 was examined on 18.11.2018, PW12 was examined on 15.05.2019 in chief. The petitioner had not chosen to cross



examine the witnesses then. Then filed the petition to recall them under Section 311 Cr.P.C. on 27.11.2019 and that was allowed permitting to recall the witnesses PW4 and PW12. PW4 was present on 10.11.2021 for the purpose of cross examination. However, the petitioner has not chosen to examine the witnesses. Subsequently, the petition filed to recall PW4 and PW12 was dismissed.

4.It is seen from the submissions that PW4 and 12 had not been cross examined at all. This being the case under the Prevention of Corruption Act, this Court is of the considered view that PW4 and PW12 being material witnesses should be cross examined. However, considering the lackadaisical attitude shown by the petitioner, the petition is allowed on condition that the petitioner has to pay the cost of Rs.2,500/- each to the witnesses, apart from the regular official charges entitled to these witnesses. It is made clear that the petitioner should be ready to cross examine the witnesses on the date when the witnesses are present before the Court and at no cost, adjournment should be given for the purpose of cross examination.

5.With these directions, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sli/sai

To

1. The Inspector of Police,
V & A.C., CC-I Unit,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.P.Ezhil Nilavan, Advocate, S.R.No.23968

CRL.O.P.No.8061 of 2022

RR(CO)
RGA(19/04/2022)