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Crl.O.P.No.15527 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.15527 of 2022

M.Subramaniam

... Petitioner

Vs.

State by Inspector of Police,
Vigilance & Anti Corruption,
Ootacamund, The Nilgiris,
(V & AC Crime No.1 of 2003)

...Respondent

PRAYER : This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the docket order of the learned Assistant Sessions Judge, Ootacamund, the Nilgiris, made in Crl.M.P.No.75 of 2022 in Special C.C.No.03 of 2015, dated 26.04.2022 and restore the petition filed by the petitioner herein under Section 311 Cr.P.C on the file of the learned Assistant Sessions Judge, Ootacamund, the Nilgiris.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)

ORDER

By consent of both the parties this case is taken up for final disposal at the stage of admission itself.



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2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3.This petition is filed before the learned Assistant Sessions Judge at Nilgiris in the main C.C.No.3 of 2015, P.W.1 to P.W.18 were examined and cross examination and defence side evidence were closed. At this juncture, they have filed the above petition under Section 311 to recall P.W.6, P.W.12 and P.W.18. Therefore, the petitioner has filed the present Criminal Original Petition to restore the petition filed by the petitioner herein under Section 311 of Cr.P.C. to recall P.W.6, P.W.12 and P.W.18.

4.The learned Government Advocate (Crl.Side) filed the Death Certificate of P.W.6/A.P.Kasi, who died on 22.11.2018; P.W.18/Joghee, is aged about 82 years and settled in Mumbai and also enclosed a medical certificate that he is unfit for travel due to difficulty in walking and speaking for the last two months, the said medical certificate was issued by General Practitioner at Coimbatore and hence I find that neither P.W.6 nor P.W.18 could be recalled for the further cross-examination. With regard to the Treasury Officer/P.W.12, I find that certain clarification has to be obtained by way of further cross examination.



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5. Hence, this Criminal Original Petition is allowed to the limited extent of P.W.12 alone on payment of costs of Rs.2,000/- to the District Legal Services Authority, Ooty within a period of 15 days and the receipt to be filed before the trial Court for the compliance of the order and the learned Sessions Judge is directed to issue witness warrant to P.W.12 for the hearing on 2.8.2022 and the counsel for the petitioner herein undertake to cross examine without any further delay.

06.07.2022

nvi

Internet : Yes

To

1. The Inspector of Police,
Vigilance & Anti Corruption,
Ootacamund, The Nilgiris,
2. The Public Prosecutor
High Court, Madras.



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RMT.TEEKAA RAMAN,J..

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