



Crl.O.P.No.25150 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.25150 of 2022
and
Crl.M.P.Nos.19060 & 15663 of 2022

1.Sri Selva Jayam Promoters Pvt.Ltd.,
Rep by : Jagadeeswaran,
No.3, Iykiya Illam, Palaniappa Lay Out,
Ramamoorthi Road, Selvapuram,
Coimbatore.

2.Jagadeeswaran ... Petitioners

Vs.

1.State Rep by Deputy Superintendent of Police,
Economic Offences Wing – II Unit,
Coimbatore.
(Crime No.3 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order in Crl.M.P.No.1460/2022 in C.C.No.8/2019 on 01.09.2022 on the file of Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed to set aside the order dated 01.09.2022, in Crl.M.P.No.1460/2022 in C.C.No.8/2019, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore.

2.The learned counsel for the petitioner submitted that petitioner was denied the opportunity of cross examining PW79 and PW82 by the dismissal of Crl.M.P.No.1460/2022. Therefore this petition.

3.This Court, on going through the order of the learned Special Judge, Special Court under TNPID Act, Coimbatore, finds that no specific reason has been given in the application to recall PW79 and PW82. It is observed in the order that the petitioner has been successfully dragging the case without cross examining the witnesses inspite of the directions of this Court in Crl.O.P.No.717 of 2022, dated 24.01.2022. The trial was completed as per the order of this Court, but, the petitioner has not cross examined all 82 witnesses and has not taken any effective steps to settle the claims of the depositors. It is further observed that the petitioner has not proved the ill health of his counsel and also the material, which was not available for cross examination.



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On the other hand, the learned counsel for the petitioner was present and filed applications for deferring the cross examination, which was dismissed by the Court.

4.Thus, this Court finds from the order of the learned Special Judge, Special Court under TNPID Act, Coimbatore, that the petitioner had deliberately omitted to cross examine the witnesses. Now, the evidence is over and the case is pending for arguments and this Court finds no reason to take a different view in this matter. Therefore, this petition is dismissed.

5.Accordingly, this Criminal Original Petition is dismissed. In view of the dismissal of the main petition, Crl.M.P.No.19060 of 2022 is dismissed as not necessary. Connected miscellaneous petition is also closed.

19.12.2022

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order



WEB COPY

To:

- 1.The Deputy Superintendent of Police,
Economic Offences Wing – II Unit,
Coimbatore.
- 2.The Special Judge,
Special Court under TNPID Act,
Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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