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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25419 of 2021
and
Crl.M.P.No.14088 of 2021

Pownraj

... Petitioner/Accused

Vs

1. State rep. by
The Inspector of Police,
EOW-II, Erode District,
(Crime No.5/2012).

2. Madhumathi

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.2256/2021, on the file of learned Special Judge, Special Court Under TNPID Act, Coimbatore.

For Petitioner : Mr.S.Karthikei Balan

For Respondent No.1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

The petitioner/A6 in C.C.No.20/2012 has filed this petition seeking to set aside the order passed in Crl.M.P.No.2256/2021, dated 30.11.2021.

2. The grievance of the petitioner is that he has not involved in any offence and A3 falsely implicated the petitioner in the case. He further submits that the first respondent herein had filed an application in Cr.M.P. No. 1955 of 2021, to examine the Investigation officer, Inspector P. Gunasekaran and to mark documents under Section 311 Cr.P.C. The trial Court by order dated 22.10.2021 modified the relief sought and passed the following order:



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"In the result, this application is partly allowed on condition to produce certified copy or true copy of said documents through the Additional Director of Industries and Commerce (DIC), Erode to prove the same and this application to examine Mr.P.Gunasekaran, Investigating Officer and exhibit the xerox copies is dismissed."

3. The learned Additional Public Prosecutor submits that the petitioner is the A6 in C.C.No.20/2012. The petitioner was very much present in the trial and all the miscellaneous petitions were filed in the presence of the petitioner herein and hearings have been advanced and thereafter only orders have been passed and if the petitioner has got any objections in Cr.M.P.No.2256 of 2021, he should have made objections in the trial court itself. But, now the petitioner has filed this petition only to drag on the trial. In this case, 327 depositors have been cheated to the tune of Rs.7,54,88,500/-. He further submits that the evidence of prosecution already closed. The accused were examined. The petitions are being filed only to drag on the proceedings and objected the same.

4. Finding that the order in Cr1.M.P.No.2256/2021 has been passed in the presence of the petitioner and further the petitioner has got an opportunity to cross examine the Additional Director of Industries and Commerce (DIC), Erode, no prejudice and hardship will be caused to the petitioner. In view of the same, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sli

To

1. The Inspector of Police,
EOW-II, Erode District,
(Crime No.5/2012).



2. The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.S.Karthikai Balan, Advocate, S.R.No.582

CRL.O.P.No.25419 of 2021
and
Crl.M.P.No.14088 of 2021

UM(CO)
SU(27/01/2022)