



Crl.O.P No.26980 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.26980 of 2022

P.N.Muthurangan

... Petitioner

Vs.

The State
represented by the Sub-Inspector of Police,
Central Crime Branch – Team XI,
Egmore, Chennai – 600 008.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to set aside the order passed by the Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008, in Crl.M.P.No.14744 of 2022, dated 26.08.2022 and permit the petitioner to cross-examine P.W.8 and P.W.9.

For Petitioner : Mr. T.V.Vineeth Kumar

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



ORDER

WEB COPY This petition is filed to set aside the order passed by the learned Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008, in Crl.M.P.No.14744 of 2022, dated 26.08.2022 and permit the petitioner to cross-examine P.W.8 and P.W.9.

2. The petitioner is the accused in the case in Cr. No.265/2007 registered for the offences under Section 420, 465, 468, 471 r/w.34 IPC and later assigned as C.C. No.2796/2010. A petition under Section 311 Cr.P.C., has been filed by the petitioner to recall P.W.8 and P.W.9 for the purpose of cross-examination. The said petition was dismissed on 26.08.2022 by the learned Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008. Aggrieved over that this Criminal Original Petition has been filed.

3. The learned counsel for the petitioner submitted that in the interest of justice, the petitioner should be given an opportunity to cross-examine P.W.8 & P.W.9.



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4. The records would show that the matter is pending for nearly 12 years and none of the witnesses have been cross-examined so far by the petitioner. Having kept the case pending for many years, the petitioner, all of a sudden filed a petition to recall P.W.8 & P.W.9 for cross-examination. Since the attitude of the petitioner would show his delay making tactics, the learned Magistrate has taken a serious view and dismissed the petition.

5. Despite there is an inordinate delay, it is appropriate to note that P.W.8 and P.W.9 are said to be the main witnesses. It is understood that P.W.8 and P.W.9 are the Investigation Officers and they can be produced if a specified time is fixed for their cross-examination.

6. In view of the inordinate delay caused by the petitioner, I feel that the petitioner should bear the cost for recalling P.W.8 and P.W.9 and that they should cross-examine them on the same day. However, it is up to the discretion of the learned Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, to fix a date for cross-examination of P.W.8 & P.W. 9.



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7. In the result, the Criminal Original Petition is allowed and the order dated 26.08.2022 passed by the learned Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in Crl.M.P. No.14744/2022 is hereby set aside with a condition that the petitioner shall cross-examine P.W.8 and P.W.9 on the same day as fixed by the learned Metropolitan Magistrate and to pay a cost of Rs.1,500/- (Rupees Thousand Five Hundred Only) to each of the witnesses on the day when they are present before the Court for cross-examination.

07.11.2022

Index : Yes/No
Speaking Order : Yes / No

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To:

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- 1.The Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.
- 2.The Sub-Inspector of Police, Central Crime Branch – Team XI, Egmore, Chennai – 600 008.
- 3.The Public Prosecutor, High Court, Madras.



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R.N.MANJULA, J.,

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