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Crl.O.P.No.30956 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.30956 of 2022

1. C.Ravichandran
2. Mayilsamy
3. M.Palanisamy
4. Devaraj

... Petitioners

Vs.

The Deputy Superintendent of Police,
EOW (II), Coimbatore
(Cr.No.1 of 2013)

... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to examine the petitioners as witnesses in C.C.No.19 of 2013 pending on the file of Special Court of TNPID Act, Coimbatore and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.G.Kannuchamy

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



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ORDER

This Criminal Original Petition has been filed seeking direction to the learned Judge of the Special Court of TNPID Act, Coimbatore to examine the petitioners as witnesses in C.C.No.19 of 2013.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioners submitted that the petitioners are some of the depositors among 3593 depositors involved in this case; since the petitioners were not examined as witnesses, they should be allowed to be examined as prosecution witnesses.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that since there are voluminous number of victims, it seems that the trial Court had examined 1070 depositors.

5. As learnt from the learned Government Advocate (Crl.Side), the Court ordered the rest of the witnesses to depose before the Investigation Officer, so that the Investigation Officer can depose evidence by producing the relevant documents in connection with the rest of the witnesses. If the petitioners feel that they are undisputable witnesses for the case and without examining them as witnesses their interest would be prejudiced, they are at



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liberty to file a petition before the trial Court itself and get appropriate orders.

The petitioners had bypassed the trial Court and filed a petition straight away before this Court. Since the trial Court holds the file and tries the matter, it would be convenient for the trial Court to appreciate the relevance of the examination of the petitioners and pass appropriate orders.

6. In view of the above observations, this Criminal Original Petition is disposed of. The petitioners are at liberty to file appropriate application before the Trial Court and seek appropriate remedy.

16.12.2022

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To

1. The Judge,
Special Court for TNPID Act,
Coimbatore.
2. The Deputy Superintendent of Police,
EOW (II), Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

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