



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.281 of 2022

Ramesh @ Ramesh Arockiya Raja

... Petitioner/Petitioner/
Accused No.6

Vs.

State of Tamilnadu
Represented by its
The Inspector of Police,
E.O.W.-II,
Dindigul District.
In Crime No.2 of 2012.

... Respondent/Respondent/
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed in Cr.M.P.No.2448 of 2021 in C.C.No.35 of 2013 dated 23.11.2021 on the file of the Special Court Under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai to recall the witnesses PW1 to PW443 for cross examination.

For Petitioner	:	Mr.S.Palani Selvam
For Respondent	:	Mr.M.Sakthi Kumar, Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel on either side.

2.The petitioner is figuring as an accused in C.C.No.35 of 2013 on the file of the Special Court Under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai. The petitioner filed a recall petition and the same was dismissed by the Court below on 23.11.2021. The approach adopted by the Court below cannot be faulted. However, there is no justification in imposing costs of Rs.1,00,000/-. This is because the recall petition was filed on 26.10.2021 and it was dismissed on 23.11.2021. It cannot be stated that the petitioner had dragged on the matter. The costs imposed on the petitioner by the impugned order is alone set aside and the impugned order stands confirmed in all other aspects.

<https://hcservices.ecourts.gov.in/hcservices/>



3.This criminal original petition is partly allowed.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judge,
Special Court Under the Tamil Nadu
Protection of Interest of Depositors
(In Financial Establishment) Act, 1997,
Madurai.
- 2.The Inspector of Police,
E.O.W.-II,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.PALANI SELVAM, Advocate (SR-786[F] dated 07/01/2022)

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MGJ(21.01.2022) 2P 5C