



WEB COPY

Crl.OP(MD)No.5602 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.04.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.5602 of 2022

and

Crl.MP(MD)No.3982 of 2022

V.R.Muniyappasamy

... Petitioner/Sole Accused

vs.

1.State through the

The Inspector of Police,
Vigilance and Anti Corruption,
Madurai,
Madurai District.

... 1st Respondent/Complaint

2.Perumal

... 2nd Respondent/Defacto Complaint

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to direction to transfer the case in SPL.No.30 of 2014 pending before the learned Special Court for Trial of Prevention of Corruption Act Cases, Madurai to the learned Special Court for Trial of Prevention of Corruption Act Cases, Trichy, Trichy District or any other competent Court outside the Ramanathapuram District within the time stipulated by this Court.

For Petitioner

: Mr.S.P.Veerapandi

For R1

: Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For R2

: No Appearance

O R D E R

This petition is filed seeking direction to transfer the case in SPL.No.30 of 2014 pending before the learned Special Court for Trial of Prevention of Corruption Act Cases, Madurai to the learned Special Court for Trial of Prevention of Corruption Act Cases, Trichy, Trichy District or any other competent Court outside the Ramanathapuram District.

2.The petitioner is facing charges under Section 7 and 13(2) r/w13(1)(d) of Prevention of Corruption Act, 1988, before the Trial Court in Spl.C.No.30 of 2014. This petition came to be filed mainly on the ground that at the time of trial, the petitioner has filed an application under Sections 243 and 311 Cr.P.C., on 17.03.2022 and the same was dismissed on 18.03.2022 without giving sufficient opportunity to the petitioner. Now, the Trial Court is going to



dispose the matter. It is the main grievance that has been expressed by the learned counsel for the petitioner.

3.The learned Additional Public Prosecutor would submit that the petitioner has already cross examined all the prosecution witnesses. Belatedly, he has filed an application to summon the defence side witnesses. According to him, defence side witnesses cited are not relevant for considering this issue. On that ground, it was rejected. Against which, no revision or appeal has been filed by the petitioner. Without filing that, he has filed this transfer petition.

4.There is no doubt that transfer the case is not permissible in accordance with law, on this point.

5.But, however, the learned counsel for the petitioner would submit that a direction may be issued to the Trial Court to give an opportunity to examine the defence side witnesses.

6.Such an opportunity is always available to the petitioner. According to the learned Additional Public Prosecutor, he does not avail such opportunity for more than 9 months.

7.Whatever it may be, the petitioner is facing serious charges under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. So, last opportunity may be given to the petitioner to examine the defence side witnesses.

8.Let the petitioner appear before the Trial Court and file list of examining defence side witnesses. The Trial Court may consider the same and permit the petitioner to examine the defence side witnesses as providing under Section 22 of the Prevention of Corruption Act. The process must be completed within a period of 15 days from the date of receipt of a copy of this order. The petitioner must co-operate with the Trial Court to complete the trial process.

9.With the above said direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Special Court for Trial of Presentation
of Corruption Act Cases,
Madurai.

2. The Inspector of Police,
Vigilance and Anti Corruption,
Madurai,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.P. VEERAPANDI, Advocate (SR-16936[F] dated
06/04/2022)

CrI.OP(MD)No.5602 of 2022
and
CrI.MP(MD)No.3982 of 2022
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RK(19/04/2022) 3P 6C