



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6233 of 2022

and

Crl.M.P(MD) No.4347 of 2022

A.Rethina Thangam

...Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
EOW II,  
Nagarkoil,  
Kanniyakumari District.

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed by the Special Court, Under the Tamil Nadu Protection of Interest of Depositors(In Financial Establishment) Act 1997 at Madurai in Cr.M.P.No.35 of 2022 in C.C.No.54 of 2008 and permit the accused to recall and cross examine the PW106 & PW107.

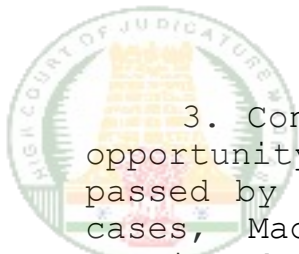
For Petitioner : Mr.S.Muthukrishnan

For Respondent : Mr.R.M.Anbunithi  
Additional Public Prosecutor

### **ORDER**

This petition has been filed seeking direction to set aside the order passed by the Special Court, Under the Tamil Nadu Protection of Interest of Depositors(In Financial Establishment) Act 1997 at Madurai in Cr.M.P.No.35 of 2022 in C.C.No.54 of 2008 and permit the accused to recall and cross examine the PW106 & PW107.

2. The petitioner is the third accused and he along with other accused were charged for offences under Sections 406,420,120(B) of IPC and Section 3 of TNPID Act. So far prosecution has examined 107 witnesses and defence witnesses namely DW.1 to DW.3 were examined. Even before questioning under Section 313 of Cr.P.C the petitioner has filed petition to recall PW.106 and PW.107 for the reason that he failed to cross examine them on the date when they were examined in chief, however it was dismissed for default and thereafter again the petitioner has filed this petition under Section 311 of Cr.P.C to recall PW.106 and PW.107. While pending the said application, questioning was over and defence side witnesses namely D.W.1 to D.W.3 were also examined and PW.106 one of the depositor was also examined and P.W 107 is the Investigating Officer.



3. Considering the above, the petitioner may be given one more opportunity to examine PW.107 alone. In view of the same, the order passed by the learned Special Judge, Special Court under TNPID Act cases, Madurai is partly set aside and the petitioner may be permitted to cross examine PW.107 alone on payment of necessary costs that may be fixed by the trial Court. The trial Court is directed to fix the date of cross examining PW.107 and if the petitioner fails to cross examine PW.107 on the date fixed by the trial Court, the trial Court is directed to proceed in accordance with law. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To

- 1.The Special Court,  
Under the Tamil Nadu Protection of  
Interest of Depositors Act,  
Madurai.
2. The Inspector of Police,  
EOW II,  
Nagarkoil,  
Kanniyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.S. MUTHUKRISHNAN, Advocate ( SR-16562[F] dated  
05/04/2022 )

Crl.O.P.(MD) No.6233 of 2022 and  
Crl.M.P(MD) No.4347 of 2022  
05.04.2022

RD(18.04.2022) 2P 5C