



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

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

Crl.O.P(MD) No.7557 of 2022

and

Crl.M.P(MD) No.5143 of 2022

K.Viswanathan

...Petitioner/Petitioner/
Accused No.4

Vs.

The State represented by
The Inspector of Police,
E.O.W-II,
Dindigul.
(Crime No.2 of 2012)

...Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records made in Crl.M.P.No. 1419 of 2021 in C.C.No.35 of 2013, on the file of the Special Court under the TNPID Act, Madurai, dated 23.11.2021 and to set aside the same.

For Petitioner : Mr.G.Mohankumar

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No. 1419 of 2021 in C.C.No.35 of 2013, on the file of the Special Court under the TNPID Act, Madurai, dated 23.11.2021.

2. The petitioner is arrayed as fourth accused. He has been charged for the offence under the TNPID Act and the same has been taken cognizance in C.C.No.35 of 2013 and the prosecution has so far examined 444 witnesses. However, the matter is posted for questioning under Section 333 Cr.P.C. At that juncture, the petitioner has filed this petition to recall P.W.11 to 13 for cross-examination for the reason that they were not cross-examined.

3. A perusal of the records would reveal that P.W.11 to 13 were examined so long ago and thereafter, so many witnesses were examined by the prosecution. When the matter was posted for Section 313 Cr.P.C proceedings, the petitioner had filed a petition to recall the evidence of P.W.11 to 13 for cross-examination. It is nothing but delaying tactics and as such, the Court below has rightly



dismissed the petition. There is no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

To

1.The Special Court under the TNPID Act,
Madurai.

2.The Inspector of Police,
E.O.W-II,
Dindigul.

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

+1 CC to M/s.G. MOHAN KUMAR, Advocate (SR-21520[F] dated 27/04/2022)

Crl.O.P.(MD) No.7557 of 2022

and

Crl.M.P(MD) No.5143 of 2022

25.04.2022

_RD(24.05.2022) 2P 5C