



Crl.O.P.No.4753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4753 of 2023

1.Kongunadu EMU & Poultry Farms Pvt. Ltd,
Represented by its Managing director,
Mr.R.Sathiyaraj,
S/o.Ramasamy,
53/2, Kilapalayam Post,
Thiruchengode Taluk,
Namakkal – 637 202.

2.P.Devaraj

...

Petitioners

-VS-

The State represented by
The Inspector of Police,
Economic Offence Wing,
Namakkal District.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to set aside the order passed in Crl.M.P.No.360 of 2023 dated 15.02.2023 in C.C.No.27 of 2012 on the file of the Court of the Special Judge, Special Court under TNPID Act, Coimbatore and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of the case and thus render justice.



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For Petitioners ... Mr.S.Sheik Ismail
For Respondent ... Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed in CrI.M.P.No.360 of 2023 dated 15.02.2023 in C.C.No.27 of 2012 on the file of the Court of the Special Judge, Special Court under TNPID Act, Coimbatore and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

2. It is the submission of the learned counsel for the petitioners that 2nd petitioner filed CrI.O.P.Nos.3203 and 3123 of 2023 to transfer the C.C.No.27 of 2012 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore to the file of any other competent Court having jurisdiction and to set aside the order passed in CrI.M.P.No.54 of 2023 dated 24.01.2023. This Court, on 14.02.2023, while directing the recall of PW512 for the purpose of cross examination, without insisting payment of travel expenses and costs, also directed the learned Special Judge to give reasonable opportunity to the accused in the examination of witnesses,



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especially PW512 and defense witnesses. He further submitted that petitioner filed Crl.M.P.No.360 of 2023 to summon the five witnesses as defense witnesses under Section 243 of Cr.P.C. Without considering the order passed by this Court, the learned Special Judge dismissed the petition.

3. Learned Government Advocate (Criminal Side) takes notice for respondent.

4. Considered the submissions and perused the records.

5. This Court, in Crl.O.P.Nos.3203 and 3123 of 2023 has given specific direction to the learned Special Judge to give opportunity to the accused to examine witnesses, especially PW512 and defense witnesses. Therefore, dismissal of petition filed under Section 243 of Cr.P.C by learned Special Judge, Special Court under TNPID Act, Coimbatore is not correct and not in accordance with law.



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6. In such view of the matter,

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(i) The order passed in CrI.M.P.No.360 of 2023 dated 15.02.2023 in C.C.No.27 of 2012 on the file of the Court of the Special Judge, Special Court under TNPID Act, Coimbatore is set aside.

(ii) The learned Special Judge is directed to give opportunity to the accused to examine defense witnesses and dispose the case as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition is disposed of.

02.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd

Note: Issue order copy on 02.03.2023.



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G.CHANDRASEKHARAN, J.

gd

To

- 1.The Special Judge, Special Court under TNPID Act,
Coimbatore.
- 2.The Inspector of Police,
Economic Offence Wing,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

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