

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED : 13.07.2023****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH****Crl.O.P No.15829 of 2023**

KCP Infra Limited
Formerly KCP Engineering Private Ltd.,
Rep. by its Director
K.Muthukumarasamy
Door No7A, 8A, 9A Pricol Calderon
Square Building, Avinashi Road
Peelamedu, Coimbatore

... Petitioner

vs.

State Represented by
The Superintendent of Police
Special Investigation Cell
Directorate of Vigilance and Anti-Corruption
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for the cases under Prevention of Corruption Act, Chennai to dispose Crl.MP.No.10 of 2022 in Crime No.16/AC/2021/SIC.

For Petitioner	:	Mr.A.Ramesh Senior counsel
Respondents	:	Mr.M.Baby Muthumeeran Additional Public Prosecutor

**ORDER**

This Criminal Original petition has been filed for a direction to the Court below to dispose of the application pending in Crl.MP No.10 of 2022, within the time fixed by this Court.

2. Heard Mr.A.Ramesh, learned Senior counsel appearing on behalf of petitioner and Mr.M.Baby Muthumeeran, learned Additional Public Prosecutor, appearing on behalf of respondent.

3. The main grievance that has been expressed by the learned Senior Counsel appearing on behalf of the petitioner is that the application filed by the prosecution seeking for ad interim attachment has already been argued before the Special Court on 24.04.2023 and the Special Court had reserved the matter for orders. Thereafter, there was a change in roaster and the successor judge took charge. Hence, the matter was suo-motu re-opened and the respondent had sought for time to argue the matter. Once again the matter was argued before the successor judge and it was reserved for orders on 30.05.2023.

While so, the respondents are coming up with one application after another to reopen the matter and to correct the affidavits that have



already been filed before the Court. The learned Senior counsel appearing on behalf of petitioner submitted that once an affidavit has been filed before the Court, there is no scope for correction of the same and that the Court has already heard both sides and the application has been reserved for orders atleast twice and therefore, the special Court must be directed to pass final orders in the criminal miscellaneous petition.

4. It is brought to the notice of this Court that the matter is posted for hearing tomorrow. The matter has already been argued before the Special Court and the Special Court had reserved it for orders on 30.05.2023. The respondents seem to have once again sought for re-opening the case by filing an application. The Court below must first ascertain as to whether there is any ground for re-opening the matter before asking the petitioner to file a counter in the same. The respondents are seeking for attachment and they have already laid the grounds on which they are seeking for such an attachment. Therefore, the matter cannot be repeatedly re-opened for arguments and the Court below has to take a decision one way or the other.



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5. In the light of the above discussion, there shall be a direction to the Special Court for the cases under Prevention of Corruption Act, Chennai, to pass final orders in Crl.MP No.10 of 2022 and Crl MP No.390 of 2023, within a period of two weeks from the date of receipt of a copy of this order.

6. This criminal original petition is disposed of with the above directions.

13.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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Note : Issue order copy on 13.07.2023
To
1.The Presiding Officer
Special Court for the cases under
Prevention of Corruption Act,
Chennai
2.The Public Prosecutor,
High Court of Madras,
Madras.

N.ANAND VENKATESH,. J.



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