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Crl.O.P.Nos.2074 and 2379 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P Nos.2074 and 2379 of 2024

Pandeewaran

...Petitioner in both Crl Ops

Vs.

The State Rep. By
The S.H.O
Valathy Police Station,
Villupuram

...Respondents in both Crl OPs

Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure praying to set-aside the orders passed in Crl MP No.618 of 2023 dated 10.01.2024 (***prayer in Crl OP No.2074 of 2024***) and Crl MP No.734 of 2023 dated 10.01.2024 (***Prayer in Crl OP No.2379 of 2024***) in respect of Special C No.43 of 2022 on the file of Special Court for Trial of Narcotis Drugs and Psychotropic Substances Act cases at Villupuram and permit to cross examine the witnesses.

In both Crl OPs

For Petitioner : Mr.D.Mario Johnson

For Respondent : Mr.A.Damodaran, APP



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below mainly on the ground that there was sufficient opportunity for the petitioner to cross examine the witnesses and inspite of the same, those witnesses were not cross-examined and therefore, the claim made by the petitioner is devoid of merits. The Court below also took into consideration the direction that was issued by this Court to dispose of the main case within a time frame.

4. When the matter came up for hearing during the previous occasion, this Court directed the learned counsel for the petitioner to choose the important witnesses who must be recalled for cross examination. This is in view of the fact that the petitioner is facing serious charges before the Court below and therefore, one opportunity must be given to the petitioner to cross examine the important witnesses. Accordingly, the matter was directed to be posted today.

5. When the matter was called today, the learned counsel for the petitioner submitted that the petitioner wants to recall PW4, 5, 9 and 11 who are the eye witnesses. PW20, who is the Doctor who gave the certificate and also PW21 and 24, who are the police officers.



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6. The learned Additional Public Prosecutor on instructions submitted that totally six accused persons are facing trial before the Court below and the case is now posted for examination of PW21 and 24 on 16.02.2024.

7. Taking into consideration the facts and circumstances of the case and also in order to afford an opportunity to the petitioner to recall the important witnesses for cross examination, considering the serious charges faced by the petitioner, the order passed by the Court below is partly set-aside. The Court below is directed to recall PW4, 5, 9, 10, 11, 20, 21 and 24. These witnesses shall be cross examined on the same day they are present before the Court. The cross examination shall also be completed on the same day. If for any reasons, the petitioner fails to cross examine these witnesses, the petitioner will lose his right to recall the witnesses in future.

8. These Criminal Original Petitions are partly allowed with the above terms and the Court below shall complete the proceedings in Spl



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Special C No.43 of 2022 on the file of Special Court for Trial of Narcotis
Drugs and Psychotropic Substances Act cases at Villupuram, within a period
of three months from the date of receipt of a copy of this order.

14.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No
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To

1. The Special Court for Trial of Narcotis Drugs and Psychotropic
Substances Act cases at Villupuram

2. The State Rep. By
The S.H.O
Valathy Police Station,
Villupuram

3. The Public Prosecutor,
High Court, Madras.



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