



WEB COPY



C.R.P.(PD).Nos.4258 and 4097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.4258 and 4097 of 2024
and C.M.P.Nos.23672 and 22517 of 2024

D.Gnanavel

.. Petitioner

(in both the cases)

Versus

1. The Deputy Superintendent of Police,
EOW, Vellore District.

2. Think Big Investments, 19/A,
II Floor Officers Line,
Krishna Nagar, Vellore,
Vellore District,
Rep. by D.Sadeeshkumar

3. D.Sadeeshkumar

D.Parameswari (deceased)

4. H.Kumaran

5. C.P.Ramakrishnan

6. C.S.Pramod Kumar

7. S.Prabakaran

8. P.Kumar

.. Respondents

(in both the cases)

(Cause title accepted vide Court order, dated 04.10.2024
made in C.M.P.No.22152 of 2024 in C.R.P.SR.No.105197 of 2024)



C.R.P.(PD).Nos.4258 and 4097 of 2024

(Cause title accepted vide Court order, dated 26.09.2024
made in C.M.P.No.21277 of 2024 in C.R.P.SR.No.97373 of 2024)

Prayer in C.R.P.No.4258 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.9 of 2024 in O.A.No.7 of 2016 on the file of the Court of Special Judge under TNPID cases.

Prayer in C.R.P.No.4097 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 25.06.2024 passed in I.A.No.10 of 2024 in O.A.No.7 of 2016 on the file of the Court of Special Judge under TNPID cases.

For Petitioner : Ms.Jayasree
(in both the cases)

For Respondents : Mr.C.Sathish,
(in both the cases) Government Advocate for R1

COMMON ORDER

These Civil Revision Petitions arise against the dismissal of the reopen and recall petitions by the Special Court, TNPID Cases, Chennai in I.A.Nos.9 and 10 of 2024 in O.S.No.7 of 2016, dated 25.06.2024.

2. The civil revision petitioner is the fourth respondent. He filed an application to reopen and recall the petitioner's side witnesses which he



C.R.P.(PD).Nos.4258 and 4097 of 2024

WEB COPY

alleges was closed on 16.08.2023. The learned Trial Judge dismissed the said application on 25.06.2024. Hence, these Civil Revision Petitions.

3. Heard Ms.Jayashree, learned Counsel for the petitioner for Swaminathan Law Associates and Mr.C.Sathish, learned Government Advocate for the first respondent.

4. O.A.No.7 of 2016 was initiated invoking the provisions of the The Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. In the said proceeding, the Civil Revision Petitioner was impleaded as the fourth respondent. In the said Original Application, the Deputy Superintendent of Police, EOW, Vellore was examined as P.W.1. The affidavit alleges that the matter was posted for cross-examination of P.W.1 on 16.08.2023. On account of the fact that the Counsel was held up with other matters, he could not appear immediately before the Court. Therefore, the cross-examination by the fourth respondent was closed on that date. Hence, petitions were filed to reopen and recall the evidence of P.W.1.



C.R.P.(PD).Nos.4258 and 4097 of 2024

WEB COPY

5. Notice was ordered to the Special Public Prosecutor who represents the first respondent herein before the Court below. The learned Special Public Prosecutor made an endorsement that he is not filing a counter-affidavit in the said proceedings. The learned Judge perused the petition, heard the arguments and went on to dismiss the petition. Hence, this Civil Revision Petition.

6. Ms.Jayasree argues that if an opportunity is given to cross-examine P.W.1, then, the petitioner would be in a position to sustain his plea before the Court below.

7. Mr.C.Sathish points out that P.W.1 was one Navaneetha Krishnan, who was the then Deputy Superintendent of Police. Since the petitioner had not cross-examined the said Navaneetha Krishnan, his evidence was closed. Thereafter, the said Navaneetha Krishnan passed away on 11.05.2021. The said Navaneetha Krishnan appeared before the Court on 09.04.2019 and 10.03.2021 and was cross-examined by the sixth and seventh respondents. Though Ms.Jayashree wants to cross-examine Navaneetha Krishnan, I doubt



C.R.P.(PD).Nos.4258 and 4097 of 2024

WEB COPY

if the Special Court in Chennai or this Court has the power to summon a person who died three years ago for the purpose of cross-examination.

8. Nonetheless, Navaneetha Krishnan had not deposed on his personal capacity, but, only in his official capacity as the Deputy Superintendent of Police, he marked Ex.P1 to Ex.P15.

9. Mr.C.Sathish states that the present Deputy Superintendent of Police, Kancheepuram is incharge of the office of the Deputy Superintendent of Police at Vellore. The said Deputy Superintendent of Police, on enquiry, instructed Mr.C.Sathish to state that he will appear on 08.11.2024 before the Special Judge at Chennai. Obviously, for the statements made by Mr.Navaneetha Krishnan, the present officer, Mr.Sakthivel cannot be cross-examined. Therefore, Sakthivel will file a proof affidavit with respect to the case and the petitioner will be entitled to cross-examine the said Sakthivel on Ex.P1 to Ex.P15. This is because, obviously, the statement of Navaneetha Krishnan is based on the record which he had produced before the Court and had not deposed with respect to the matters personal within his knowledge.



C.R.P.(PD).Nos.4258 and 4097 of 2024

WEB COPY

10. These Civil Revision Petitions are ordered in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

24.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



WEB COPY



C.R.P.(PD).Nos.4258 and 4097 of 2024

V.LAKSHMINARAYANAN, J.

grs

To

The Special Judge under TNPID Cases,
Chennai.

C.R.P.(PD).Nos.4258 and 4097 of 2024
and C.M.P.Nos.23672 and 22517 of 2024

24.10.2024