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CRL.O.P.No.21596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.21596 of 2024

and

CrI.M.P.No.12352 of 2024

K.Solomon

... Petitioner

Vs.

State Represented by
The Inspector of Police
Vigilance and Anti Corruption
Chennai City-1 Dett
R.A.Puram, Chennai - 28

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to set aside the order dated 23.07.2024 passed by the learned Chief Judicial Magistrate, Tiruvallur in C.M.P.No.18877 of 2023 in Spl.C.C.No.4 of 2012, by recalling the witnesses PW4 and PW7 for the purpose of cross examination.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Dr.C.E.Pratap
Government Advocate (CrI. Side)



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ORDER

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When the matter is taken up for consideration, Dr.C.E.Pratap, the learned Government Advocate (Crl. Side), submitted that PW14 has passed away and PW7 is very much available, and so far as PW4 is concerned, he is not available at the address and since he is a Srilankan refugee, his whereabouts could not be ascertained. The learned counsel for the petitioner, however, insisted PW4 being a Srilankan refugee has been in refugee camp at Bhavanisagar.

2.A Srilankan refugee is required to be under the custody of an officer incharge of the refugee camps and cannot disappear. If it is so, it only shows the incompetency of the officials in discharging their responsibilities. This is something serious and it is more likely to aid in infiltration. Still P.W.4 continues to be a refugee and it is the responsibility of the official concerned to ensure he does not disappear.

3.For the present, this Court allows this petition, recalling both PW4 and PW7. The petitioner is required to take such process as may be necessary for summoning them, and it is for the officials to locate PW4 and produce him.



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If they could not locate PW4, then it will render his examination incomplete and it is for the trial Court to take a decision on the evidentiary value of PW4, during the final hearing. Consequently, the connected miscellaneous petition is closed.

06.09.2024

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Index : Yes / No
Neutral Citation

To

1.The Inspector of Police
Vigilance and Anti Corruption
Chennai City-1 Dett
R.A.Puram
Chennai - 28

2.The Chief Judicial Magistrate
Tiruvallur



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N.SESHASAYEE, J.

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