



CRL.O.P.No.24537 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.24537 of 2024
and Crl.M.P.No.13824 of 2024

P.Sargunaraj

... Petitioner

Vs.

The State represented by
The Inspector of Police
V & AC Wing, Erode

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act, 2023, to set aside the order dated 04.09.2024 made in Crl.M.P.No.6295 of 2024 in Spl.C.C.No.16 of 2014 on the file of the Chief Judicial Magistrate, Tiruppur / Special Court under the Prevention of Corruption Act and allow the Crl.M.P.No.6295 of 2024 in Spl.C.C.No.16 of 2014.

For Petitioner : Mr.K.Sridhar

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

ORDER

This petition is filed seeking leave of the Court to recall P.W.13, the Trap Laying Officer (TLO). This recall was necessitated because the prosecution



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recalled P.W.13 to mark certain M.O's which was omitted to mark when the TLO was in the witness box.

2.Dr.C.E.Pratap, the learned Government Advocate (Crl. Side) submitted that the petitioner has filed this petition after about a year and a half since marking of the M.Os. To ascertain when P.W.13 was recalled by the prosecution, this Court was informed that it was some two months back he was recalled and M.Os were marked. This Court finds no reason as to why this petition should not be allowed. After all, procedure fairness must be handled evenly. These are all the matters where this Court expects the learned trial Judge to be pragmatic rather than being pedantic.

3.In end, this petition is allowed. Before the defence examines its witness in the next posting date, the prosecution is required to make available P.W.13 before them and defence will not take any adjournment in cross examining P.W.13 on the next posting day when this case is posted. If the witness is present, and the defence is not ready to cross examine P.W.13, then the opportunity herein accorded to the petitioner will stand forfeited. If a certified copy of the order is not issued before the next posting date before



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the trial Court, then the trial Court is required to act on the web copy of this order pulled from the official website of High Court of Madras. Consequently, the connected miscellaneous petition is closed.

04.10.2024

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Index : Yes / No
Neutral Citation

To

1. The Inspector of Police
V & AC Wing
Erode

2. The Chief Judicial Magistrate
Tiruppur
Special Court
under the Prevention of Corruption Act



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N.SESHASAYEE, J.

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