



CRL.O.P.No.31132 of 2024
and Crl.M.P.No.17739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.31132 of 2024
and Crl.M.P.No.17739 of 2024

M.Marudhappan

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police
Vigilance and Anti Corruption
Chennai City - I

2.The Forest Department
Principal Chief Conservator of Forest
Panagal Maligai, No.1, Greens Road
Saidapet, Chennai

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. Act, 2023, to set aside the order passed by the learned Special Court for the Cases under Prevention of Corruption Act at Chennai-104, in Crl.M.P.No.58 of 2024 dated 21.11.2024 in C.C.No.7 of 2016.

For Petitioner : Mr.S.Suresh

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)



CRL.O.P.No.31132 of 2024
and Crl.M.P.No.17739 of 2024

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ORDER

The petitioner, a legal officer of the Forest Department is now facing trial for charges U/s.7 and Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988. The trial is now underway and PW.4 is being examined. For cross examining PW.4 vis-a-vis certain aspects which the defence considers it essential, the petitioner herein had filed a petition in Crl.M.P.No.58 of 2024 U/s.91 Cr.P.C. for summoning the log book of the official Government Vehicle bearing No.TN30G0031. This came to be dismissed by the trial Court on the ground that the petition does not disclose the reason for summoning it. Hence this petition.

2.Heard both sides. This Court would appreciate if the trial Court appreciates that a defence is not supposed to disclose its line of defence or strategy, and they are entitled to certain degree of secrecy. After all, what is in stake is the liberty of the citizen and hence unlike the civil litigation in criminal litigation the accused can bring certain surprises to the prosecution, and the beauty of cross examination in any form of litigation is to bring those surprises to the witness.



CRL.O.P.No.31132 of 2024
and Crl.M.P.No.17739 of 2024

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3.The conclusion is the writing on the wall. This Court deems it appropriate to allow this petition, for this Court considers it too premature a stage for the Court to evaluate the relevancy of the document which now sought to be summoned.

4.This Criminal Original Petition stands allowed accordingly. Consequently, the connected miscellaneous petition is closed.

12.12.2024

kas

Index : Yes / No
Neutral Citation

Note: Issue order copy today

To

1.The Special Court for the Cases
under Prevention of Corruption Act
Chennai-104

2.The Inspector of Police
Vigilance and Anti Corruption
Chennai City - I



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CRL.O.P.No.31132 of 2024
and Crl.M.P.No.17739 of 2024

N.SESHASAYEE, J.

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3.The Principal Chief Conservator of Forest
The Forest Department
Panagal Maligai, No.1, Greens Road
Saidapet, Chennai

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

CRL.O.P.No.31132 of 2024
and Crl.M.P.No.17739 of 2024

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