



Crl.O.P.(MD)No.1220 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.03.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.O.P.(MD)No.1220 of 2024

S.Murugesan

.. Petitioner

Vs.

State through

The Inspector of Police,

Vigilance and Anti-Corruption Police Station,

Sivagangai.

(Crime No.3 of 2014)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned order in Crl.M.P.No.368 of 2023 in Spl.C.C.No.3 of 2016 on the file of the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai, dated 07.12.2023 and set aside the same.



Crl.O.P.(MD)No.1220 of 2024

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side and perused the materials available on record.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Spl.C.C.No.3 of 2016. The evidence of official witnesses namely, P.W.4 to P.W.7, P.W.10 and P.W.15 were examined in Chief but since the petitioner's advocate was out of station, the official witnesses were not cross examined by the petitioner/accused. In view of the same, the petitioner had filed a petition for recalling the above prosecution witnesses before the trial Court but the same was dismissed and hence, he has come forward with the present petition before this Court.



Crl.O.P.(MD)No.1220 of 2024

WEB COPY

3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing on behalf of the State submitted that, if really, the petitioner's Senior counsel was out of station specifically on those days where the chief examination of the official witnesses was conducted, the petitioner would have moved a petitioner under Section 311 of Cr.P.C., immediately after examination of the witnesses in Chief but the same was not done so. He further submitted that now the petitioner has filed an application under 311 Cr.P.C., which clearly shows that it is only to protract the case which is pending from the year 2016 and hence, prays for dismissal of the petition. He also submitted that the respondent has stated that they have no objection, if the defence, cross examine the said witnesses. However, he pleaded that there may be a direction to the petitioner to cross examine the said witnesses within a stipulated time i.e., the witnesses shall be cross examined on the same day of their presence.

4. Considering the facts and circumstances of the case, without going into the merits of the case, this Court disposes the



Crl.O.P.(MD)No.1220 of 2024

present Criminal Original Petition with a direction to the Court concerned to permit the petitioner to cross examine the witnesses produced by the State, within a period of one week from the date of the appearance of the witnesses in accordance with law. It is also made clear that this Court has not gone into the merits of the case and therefore, the Court concerned shall not be influenced by any of the observations made in this order.

12.03.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM/DP



Crl.O.P.(MD)No.1220 of 2024

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- 1.The Inspector of Police,
Vigilance and Anti-Corruption Police Station,
Sivagangai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1220 of 2024

VIVEK KUMAR SINGH, J.

RM/DP

Crl.O.P.(MD)No.1220 of 2024

12.03.2024