



CRL.O.P (MD) No.22421 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.12.2023

Pronounced on : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL.O.P (MD) No.22421 of 2023

A.Gajendran

... Petitioner

Vs.

The Inspector of Police,
Vigilance and Anticorruption,
Madurai.
(Crime No.6 of 2014)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to the Special Court for Trial of Prevention of Corruption Act Cases, Madurai in Spl.S.C.No.3 of 2015 to defer the further examination of petitioner/prosecution witness No.8 before the trial Court till 2nd week of March 2024.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



CRL.O.P (MD) No.22421 of 2023

WEB COPY

ORDER

This petition is filed to direct the Special Court for Trial of Prevention of Corruption Act Cases, Madurai in Spl.S.C.No.3 of 2015 to defer the further examination of petitioner/Prosecution Witness No.8 before the trial Court till 2nd week of March 2024.

2. The case of the complainant is that one Chellapandi has demanded a sum of R.3,000/- as illegal gratification from the complainant for arranging to issue a legal heir certificate. On the basis of a written complaint, dated 25.09.2014 submitted by one R.Mani, the respondent has registered a case in Crime No.6 of 2014 against the said Chellapandi for the offence under Section 7 of the Prevention of Corruption Act. After the investigation, the respondent has filed the charge sheet dated 26.03.2015 against the Chellapandi for the offence punishable under Sections 8 and 9 of the Prevention of Corruption Act 1988 before the Special Court for Trial of Prevention of Corruption Act Cases, Madurai and the same was taken on file in Spl.C.No.3 of 2015.

3. The learned counsel for the petitioner submitted that the petitioner was working as Tahsildar of Usilampatti Taluk during the relevant period.



CRL.O.P (MD) No.22421 of 2023

During trial, various witnesses were examined and the petitioner was examined as PW8 on 16.08.2018 and also cross examined on behalf of the defence. He would further submit that the petitioner has received a summon, dated 18.08.2023 from the Special Court for Trial of Prevention of Corruption Act Cases, Madurai, to appear before the said Court on 21.08.2023 for further examination. On receiving the summon, the petitioner had appeared before the trial Court on 21.08.2023 but he was not examined on that day and the case was posted on 28.08.2023 for examination of PW8 and PW9. The petitioner has also appeared on 28.08.2023, however he was not examined and posted on 18.09.2023. In the meanwhile, the petitioner's grandson 2 ½ years old residing in United States of America had fell ill, he left India on 14.09.2023. Now, the case was posted on 04.12.2023 for appearance of the petitioner. Further, the learned counsel for the petitioner submitted that the petitioner has already booked for flight ticket for returning to India on 03.03.2024, however, the petitioner is going to advance the return journey and wanted to book the flight ticket for returning to India during 2nd week of February 2024 and hence to issue direction to the trial Court to defer the examination of the petitioner/PW8.



CRL.O.P (MD) No.22421 of 2023

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the occurrence happened in the year 2014 and all the witnesses were examined. Only for the appearance of this petitioner, the case was posted. Now there is no restriction for appearing of the petitioner through video conference before the trial Court. Hence, he opposed to defer the examination of petitioner.

5.Taking into consideration of the facts and circumstances of the case, the learned Judge, Special Court for Trial of Prevention of Corruption Act Cases, Madurai, is directed to defer the further examination of petitioner/P.W.8 till 2nd Week of February 2024.

6.With the above direction, this Criminal Original Petition is allowed.

09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



WEB COPY



CRL.O.P (MD) No.22421 of 2023

To

- 1.The Special Court for Trial of
Prevention of Corruption Act Cases,
Madurai.
- 2.The Inspector of Police,
Vigilance and Anticorruption,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL.O.P (MD) No.22421 of 2023

P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
CRL.O.P(MD)No.22421 of 2023

09.01.2024