



Crl.O.P.No.1012 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE SHAMIM AHMED

Crl.O.P.No.1012 of 2025

and

Crl.M.P.No.9 of 2024

A.Sezhian

...Petitioner/Petitioner/Accused

Vs.

State represented by:

The Inspector of Police,
Vigilance & Anti Corruption,
Chennai City II Detachment
(V&AC Crime No.10/AC/2014/CC II)

...Respondent/Respondent/Complainant

Prayer:

Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records relating to the order dated 16.12.2024 made in Cr.M.P.No.9 of 2024 in Spl.C.C.No.11 of 2025 on the file of the Chief Judicial Magistrate, Chengalpattu and set aside the same.

Page 1 of 8



WEB COPY



Crl.O.P.No.1012 of 2025

For petitioner : Mr.R.Sathish Kumar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

J U D G M E N T

This Criminal Original Petition is filed to call for the records relating to the order dated 16.12.2024 made in Cr.M.P.No.9 of 2024 in Spl.C.C.No.11 of 2025 on the file of the Chief Judicial Magistrate, Chengalpattu and set aside the same and further, prayed to cross examine the witnesses PW1, PW2 and PW7 for better adjudication of the case and if the above witnesses are not subjected to further cross examination the petitioner would be put to heavy loss and irreparable damage.

Facts of the case in nutshell:-

2. The petitioner is facing trial before the Chief Judicial Magistrate, Chengalpattu in Spl.C.C.No.11 of 2025 for alleged



Crl.O.P.No.1012 of 2025

offences under Section 7 and 13(2) r/w 13(10(d) of the Prevention of Corruption Act, 1988. Final report was submitted before the trial Court on 11.08.2015 and P.W.1 and P.W.2 were cross examined whereas P.W7 was partly cross examined. While so, during the trial of the case, the petitioner had changed his counsel and it was found that P.W1, P.W2 and P.W7 were not cross examined in respect of certain vital points. Therefore, the petitioner filed an application before the trial Court to recall the witnesses P.W1, P.W2 and P.W7. The trial Court by order dated 16.12.2024 dismissed the said application. Therefore, aggrieved by the same, the present criminal original petition is filed.

3. It is submitted by the learned counsel for the petitioner that the trial Court without considering the genuineness of the prayer made by the petitioner in Crl.M.P.No.9 of 2024 in Spl.C.No.11 of 2015 had rejected the same and even though the Special Judge/Chief Judicial Magistrate, Chengalpattu dismissed the said application by order dated 16.12.2024 without any application of mind and without considering



the fact that the justification for considering for cross examination of PW.1, PW.2 and PW.7 and hence, it is prayed to cross examine the witnesses PW.1, PW.2 and PW.7.

4. Mr.A.Gopinath, learned Government Advocate (Crl.Side) submits that the petitioner has moved an application before the trial Court to cross examine the witnesses PW.1, PW.2 and PW.7 which is only to drag and delay the trial in the present case. This matter pertains to the year 2015 and 9 years have already passed and the trial Court has not given any positive direction to expeditiously complete the trial and hence, prayed for dismissal of this Criminal Original Petition.

5. Heard both sides and perused the materials available on record.

6. The trial is of the year 2015 and only to delay the trial the petitioner has moved an application to examine the witnesses P.W.1, P.W.2 and P.W.7. The trial Court has rejected the application of the



petitioner *vide* order dated 16.12.2024 by giving a finding as under:

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“On perusal of the case records it is found that the said petitioner filed the Crl.M.P.No.4068 of 2024 for recalling PW.1,2,6,7,8 and it was ordered on 04.11.2024 that P.W1, P.W2 are examined in two dates and P.W7 examined in cross in three different dates; The reason stated in the petition that the new counsel entered into appearance and the witnesses are to be examined in detail is not an acceptable one; It clearly shows that the petitioner filed this petition to drag on the case proceedings. The reason stated in the petition that the new counsel entered into appearance and the witnesses are to be examined in detail is not an acceptable one.”

7. This Court is of the opinion that the findings recorded by the trial Court *vide* order dated 16.12.2024, does not require any interpretation as the order was passed giving clear reasons. The trial is of the year 2015 and more than 9 years have passed and already P.W1 and P.W2 were examined in two dates and P.W.7 was cross examined on three different dates and further, change of new counsel does not give any right to the petitioner to cross examine the witnesses whereas



CrI.O.P.No.1012 of 2025

they have already been cross examined. Thus, it appears that the petitioner is playing ploy to delay the trial of the present case. This Court is not inclined to interfere into the order passed by the trial Court *vide* order dated 16.12.2024 as the order passed is just and proper and in lines of merits.

8. Therefore, based on the above discussion, this Criminal Original Petition is dismissed and the trial Court is directed to complete the trial in the present case as expeditiously as possible within a period of six months without granting any adjournments, unless there is any cogent reason. No order as to cost.

20.01.2025

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Index : Yes/No
Citation : Yes/No



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Crl.O.P.No.1012 of 2025

SHAMIM AHMED, J.

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To,
The Inspector of Police,
Vigilance & Anti Corruption,
Chennai City II Detachment
(V&AC Crime No.10/AC/2014/CC II)

Crl.O.P.No.1012 of 2025



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CrI.O.P.No.1012 of 2025

20.01.2025