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Crl.O.P.No.5563 of 2025
and Crl.M.P.No.3608 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.No.5563 of 2025

and

Crl.M.P.No.3608 of 2025

W.P.Vikramaraghavan

...

Petitioner /Accused

Vs.

State by

Inspector of Police,

City Special Unit - 1,

Vigilance and Anti-Corruption,

Chennai.

...

Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to set aside the order passed by the learned Special Court for trial of Cases under the Prevention of Corruption Act, Chennai dated 20.02.2025 made in Crl.M.P.No.22 of 2025 in C.C.No.5 of 2016 and allow this Criminal Original Petition.

For Petitioner : Mr.S.Karthikeyan

For Respondent : Mr.S.Udaya Kumar

Government Advocate (Crl. Side)



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ORDER

The petitioner/Accused in C.C.No.5 of 2016, who is facing trial in a trap case, has filed a petition under Section 311 of Cr.P.C. before the trial Court in Crl.M.P.No.22 of 2025 to recall PW2/De-facto complainant, PW4/accompanying witness, PW7, PW8 and PW10 from TNEB Department, PW11/Trap Laying Officer and PW12/Investigating Officer. The trial Court finding that opportunity has been given to the petitioner to cross examine PW2, PW4, PW7 and PW8 and they were cross examined in detail, dismissed the petition as far as recall of PW2, PW4, PW7 and PW8 are concerned. As regards the witnesses PW10, PW11 and PW12, who had not cross examined, the trial Court allowed recall of the said witnesses.

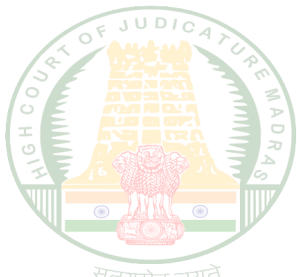
2.The learned counsel for petitioner further submitted that imposing cost of Rs.3,000/- to each witnesses is not proper. All the three witnesses are official witnesses and they are entitled to claim Travel Allowance and further



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paying the amount directly to the witnesses is also not proper. Hence, the above petition.

3.The learned Government Advocate (Crl. Side) objected to the petitioner's plea submitting that the petitioner was working as Junior Engineer in Electricity Board. On 17.07.2024 for the demand made, a trap was laid and proved successfully. In this case, PW1 to PW12 examined, Exs.P1 to P29 and M.O.1 to M.O.5 marked. The accused questioned under Section 313 of Cr.P.C. At this stage, he filed a petition to recall PW2, PW4, PW7, PW8, PW10, PW11 and PW12. PW2 examined in chief on 23.02.2017 and cross examined on 03.07.2017. PW4 examined in chief on 06.04.2018 and cross examined on 27.10.2021 and 09.05.2022. PW8 examined in chief on 21.06.2022 and cross examined on 21.06.2022. PW10 examined in chief on 13.11.2024, PW11 examined in chief on 27.11.2024 and PW12 examined in chief on 30.12.2024 and they were not cross examined by the petitioner. The trial Court permitted the petitioner to cross examine the witnesses, who were not cross examined so



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far. Hence, the order of the trial Court is proper and opposed this petition.

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4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner failed to cross examine PW10, PW11 and PW12 and they were permitted to be recalled and cross examined. The trial Court order is a well reasoned one. This Court finds no reason to interfere with the same. As regards payment of Rs.3,000/- as cost to the witnesses directly may not be proper and the witnesses are official witnesses. In view of the same, petitioner is directed to deposit the amount of Rs.3,000/- in total, for all these witnesses to the credit of C.C.No.5 of 2016.

5.With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

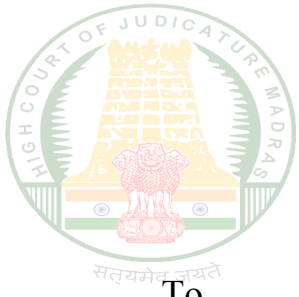
28.02.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

rsi



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To
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- 1.The Special Judge,
Special Court for trial of Cases under the
Prevention of Corruption Act, Chennai.
- 2.The Inspector of Police,
City Special Unit - 1,
Vigilance and Anti-Corruption,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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