



CrI.O.P.No.18959 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

CrI.O.P.No.18959 of 2025
and
CrI.M.P.No. 12848 of 2025

M.Sankar

... Petitioner

Vs.

State, Rep. By
The Inspector of Police,
Vigilance and Anti - Corruption,
Chennai City - 1,
Chennai - 16.

... Respondent

Prayer: Petition filed under Section 528 of B.N.S.S., to set aside the impugned order dated 24.06.2025 passed by the learned Special Court for the Cases under Prevention of Corruption Act at Chennai in CrI.MP.No.86 of 2025 in C.C.No.4 of 2018 and consequently direct to allow the petition to recall the witnesses PW-4 Tr.Rama Ramesh and PW-5 Tmt.Abirami filed by the petitioner under section 348 of BNSS (Sec.311 of Cr.P.C.) in C.C.No.4 of 2018 on the file of the learned Special Court for the Cases under Prevention of Corruption Act at Chennai.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER



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WEB COPY The Criminal Original Petition is filed aggrieved by the order dated 24.06.2025 passed in Criminal M.P.No. 86 of 2025 in C.C. No. 4 of 2018 on the file of the learned Special Court for cases under the Prevention of Corruption Act, 1988, at Chennai.

2. By the said order, the application filed by the petitioner to recall P.W.4, namely Rama Ramesh and P.W.5, Abirami, for further cross-examination was rejected by the trial Court.

3. The learned counsel appearing on behalf of the petitioner submitted that there is a contentious issue with reference to the attendance register and the fact as to whether the petitioner was present and signed in the office or not. Earlier, when these witnesses were cross examined, these issues had not crystallised but got very categorically crystallised only after the cross-examination of the trap-laying officer. Therefore, once again, an application was filed for further cross examination and the trial Court ought to have granted an opportunity to the petitioner.

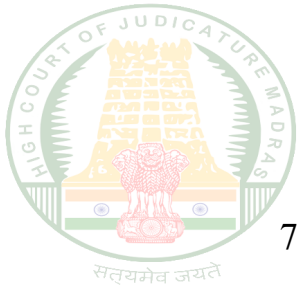


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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent would submit that both P.W.4 and P.W.5 were cross examined on 13.09.2023, 12.10.2023, 03.01.2024, and 15.03.2024 in an elaborate manner and the opportunity under Section 311 of Code of Criminal Procedure cannot be utilised for the purpose of further dragging on the case.

5. I have considered the rival submissions made on either side and perused the material on record of the case.

6. Even though the learned counsel submits that there is an issue with reference to the attendance, it is not clearly and categorically specified in the application or before this Court. Further, it is also not demonstrated before this Court as to how the issue got crystallised only after the cross examination of the trap-laying officer. In the absence of the same, the opportunity under Section 311 of the Code of Criminal Procedure is only to provide a valuable opportunity to put forth the case of the defence and not for an action replay or to cross examine with a better or new perspective.



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7. In that view of the matter, repeated cross examination of the same witnesses cannot be permitted and accordingly, finding no merits, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

03.07.2025

Neutral Citation: Yes/No
nsl

To

1. The Inspector of Police,
Vigilance and Anti - Corruption,
Chennai City - 1,
Chennai - 16.
2. The Special Court for the Cases under Prevention of Corruption Act,
Chennai.
3. The Public Prosecutor,
High Court, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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