

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.14487 of 2015

and

M.P.No.1 of 2015

1.Lathipulla

2.Pechiammal

... Petitioners

Vs.

The State Represented by
Inspector of Police
North Police Station,
Tiruppur District.
Crime No.9071 of 2010

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 12.05.2015 made in C.M.P.No.67 of 2015 in S.C.No.86 of 2013 on the file of the Magalir Neethimandram, Fast Track Mahila Court, Tiruppur.

For Petitioners :Mr.M.Guruprasad

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order dated 12.05.2015 made in C.M.P.No.67 of 2015 in S.C.No.86 of 2013 on the file of the Magalir Neethimandram, Fast Track Mahila Court, Tiruppur.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. On 16.06.2014, this court passed the following orders.

"The petitioners herein are facing trial in S.C.No.86 of 2013 for the offences under Section 498(A), 498(A) r/w 109 and 306 of IPC., before the learned Mahila Court, Tiruppur. The prosecution

examined PW2 and PW3, who were also cross-examined by the accused.

2. When the matter was posted for the examination of investigating officer, the accused filed CMP.67 of 2015, to recall PW2 and PW3 for the purpose of further cross-examination, on the ground that they have failed to put certain suggestions. The Trial Court has dismissed the CMP.No.67 of 2015 on 12.05.2015, on the ground that the accused are trying to protract the proceedings.

3. On a reading of the impugned order, it is seen that PW2 is a heart patient and he is hailing from Nilakkottai Taluk, Dindigul District. PW-3, is the wife of PW-2. Under such circumstances, the prayer for recalling PW2 is rejected and the order of the Trial Court is up-held. Since the accused are facing grave charges, it will serve the interest of justice, if the accused are permitted to cross-examine PW-3, on condition that they pay a sum of Rs.2,000/- as cost to the witness, before she gets into the witness box. PW-3 shall be cross-examined by the counsel for petitioner on 24.06.2015, the date on which the trial is posted. On failure of the petitioners to cross-examine, the right will stand automatically forfeited. Since this Court is monitoring this case, adjourn to 26.06.2015 for orders.

4. Thereafter, the time for cross-examination of PW3 was extended and now, it is reported by both sides that PW3 was cross examined by the defence on 10.07.2015 and the cost of Rs.2,000/- has also been paid to PW3.

5. In view of the above, nothing survives in this petition and the same is closed. The trial Court is directed to expeditiously proceed with the trial and complete the same within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

sms

s/d-

Assistant Registrar (CS-V)

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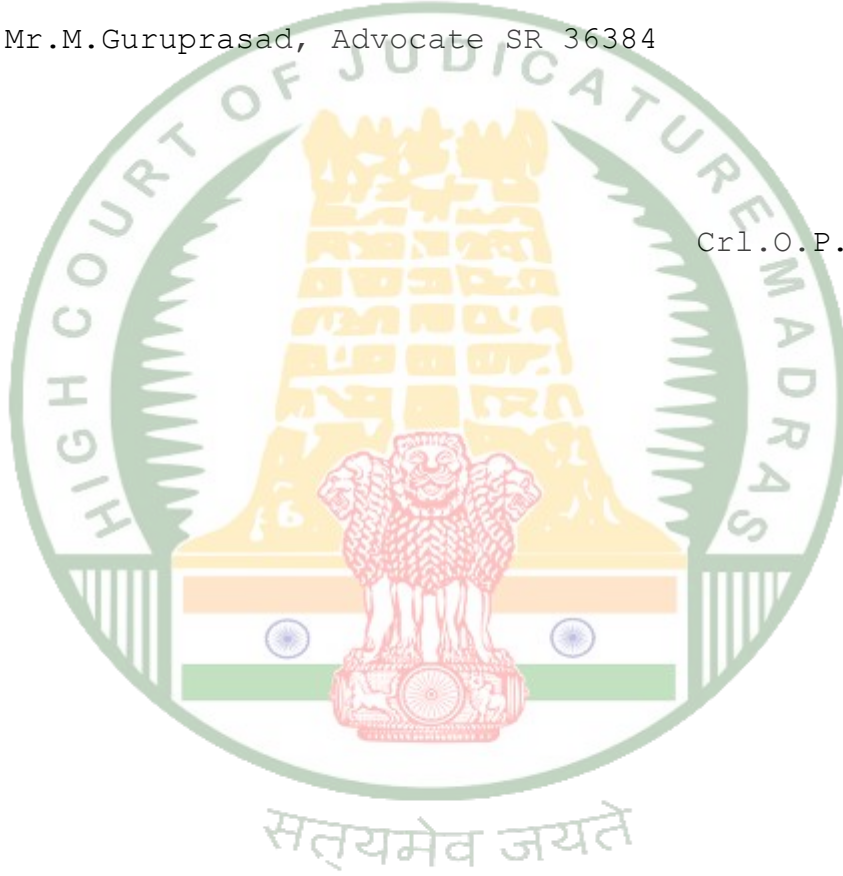
Sub-Assistant Registrar

To

1. Inspector of Police
North Police Station,
Tiruppur District.
Crime No.9071 of 2010
 2. The Magalir Neethimandram,
Fast Track Mahila Court, Tiruppur.
 3. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.M.Guruprasad, Advocate SR 36384

vsn(co)
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