

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 4-9-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.19649 of 2015
M.P.No.1 of 2015

Arumugam

...Petitioner/Petitioner

Vs.

The State, rep.by
Inspector of Police,
All Women Police Station,
Avinashi, Tiruppur District.

...Respondent/Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. with a prayer to set aside the order in Crl.M.P.No.190 of 2015 in Special S.C.no.14 of 2014 dated 2.6.2015 on the file of the learned Mahalir Neethimandam, Fast Track Court, Tiruppur and allow the Crl.O.P.

For Petitioner : Mr.O.Selvam

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

On 20.8.2015 this Court passed the following order:

"On 05.08.2015 and 14.08.2015, this Court passed detailed orders. This Court has received two reports from the Trial Court stating that the petitioner/accused has cross-examined PW1, PW2, PW3 and PW4.

2. In view of the above, this Court is of the view, it will serve the interest of justice, if the petitioner/accused is permitted to cross-examine Dr.N.S.Ramanan (PW6), Dr.Muthusamy (PW9), Dr.Saravanaprakash (PW10), R.Kowsalya (PW15), and Meenakumari (PW16).

3. The Trial Court is directed to ascertain about the convenience of the doctors and call them on certain dates for the purpose of cross-examination by the accused. The doctors should be paid Rs.500/- each, when they come for cross-examination, by the petitioner/ accused.

4. The Trial Court is directed to complete this process within two weeks from today and send a compliance report to this Court.

Post 'For orders' on 04.09.2015."

2. This Court received a report dated 3.9.2015 from the learned Sessions Judge, Magalir Neethimandram, Tiruppur, wherein it is stated as follows:

"As directed by the Hon'ble High Court, Madras in the above Crl.O.P.No.19649/15 and M.P.No.1/15 on 20.08.2015 Medical witnesses were summoned after ascertaining their convenient dates, they were cross examined by the counsel appearing for the Accused on the dates mentioned in the following tabular column.

Sl.No	Name of the witnesses	Date of examination
1.	Dr.Muthusamy	24.08.2015
2.	Dr.Ramanan	25.08.2015
3.	Dr.Saravana Prakash	25.08.2015

I further submit Investigation Officers Tmt.Kowsalya and Tmt.Meenakumari were summoned on 31.08.2015 and 01.09.2015 respectively and they were cross examined by the defence counsel on the respective dates. Medical witnesses were paid Rs.500/- each as cost by the defence counsel on the date of cross examination.

Now the matter was stands posted to 04.09.2015."

The learned Sessions Judge has made a further request, which is as follows:

"Under the above circumstances, I most humbly request the Hon'ble High Court of Madras to permit this Court to re-array the victim girl as PW.No.1 and other subsequent witnesses as PW.Nos.2 to 17 so that there may not be any confusion in referring the P.W. numbers while pronouncing the Judgment and to pass such other and relevant orders, the Hon'ble High Court of Madras deem fit and proper under the circumstances cited above."

3. In view of the above, the learned trial Judge is permitted to re-array the victim girl as PW.1 and other subsequent witnesses as PWs.2 to 17 as requested.

4. With the above direction this Criminal original Petition is closed accordingly. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
All Women Police Station,
Avinashi,
Tiruppur District.
2. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.O.Selvam, Advocate SR.No. 48369

Cr1.O.P.No.19649 of 2015

KSI (CO)
PSI (22.09.2015)