

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.11503 of 2016

Kaja Nizamudeen @ Ummar @ Kuttiappa

Petitioner

vs.

State by SIT, CB CID
Inspector of Police
P6, Kodungaiyur Police Station
Chennai
Crime No.381/1997

Respondent

Prayer: Criminal Original Petition filed under section 482 CRPC to set aside the order of the Honourable Sessions Judge For Exclusive Trial or Bomb Blast Cases at Poonamallee Chennai order dated 21.03.2016 in Crl.M.P.No.82 of 2016 in S.C.No.9 of 2003 and direct the respondent to produce the witnesses for P.W.25 Mr.Umapathy P.W.39 Mr.A.Abdul Salam P.W.41 Mr.Jayaraman and P.W.44 Mr.Mathi for further cross examination.

For petitioner Mr. S. Xavier Felix

For respondent Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to set aside the order dated 21.03.2016 passed by the Sessions Court for Exclusive Trial of Bomb Blast Cases, Chennai @ Poonamallee in Section 311, Cr.P.C. Petition, being Crl.M.P. No.82 of 2016 in S.C. No.9 of 2003.

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

3 It is seen that this petitioner is Accused No.6 in S.C. No.9 of 2003 and that he had filed Crl.M.P. No. 82 of 2016 under Section 311 Cr.P.C. for recalling P.Ws. 25, 34, 39 and 44. The Trial Court considered the application filed by the petitioner

and partly allowed the same by recalling P.Ws.41 and 44, on condition that the petitioner shall deposit a sum of Rs.3,000/- before the District Legal Services Authority, Chennai and also deposit a sum of Rs.3,000/- before the said Court as witness batta to P.W.41 on or before 10.03.2016.

4 It is submitted by the learned counsel for the petitioner that the petitioner was not able to comply with the order, since the order itself was made ready only on 10.03.2016.

5 Taking into consideration the submission made by the learned counsel for the petitioner and that the petitioner should be given a fair opportunity to cross-examine P.Ws. 41 and 44, this Court is of the view that it will be in the interest of justice, if time is extended for complying with the order passed by the Trial Court.

6 Accordingly, the petitioner is granted two weeks' time from the date of receipt of a copy of this order, to deposit a sum of Rs.3,000/- before the District Legal Services Authority, Chennai and a further sum of Rs.3,000./- before the Trial Court, as witness batta to P.W.41 and on such deposit being made, the Trial Court is directed to recall P.Ws.41 and 44 and permit their cross-examination by the petitioner herein. It is made clear that if the petitioner fails to comply with this order, his right to cross-examine P.Ws. 41 and 44 would get forfeited.

With the above observation and direction, this Criminal Original Petition stands disposed of.

-s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

cad
To

1 The Inspector of Police
P6, Kodungaiyur Police Station
Chennai

WEB COPY

2 The Public Prosecutor
High Court of Madras

+1 cc to Mr.S.Xavier felix, Advocate sr.31078

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