

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2016

C O R A M

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Crl.O.P.Nos.22705 and 22706 of 2016 and
Crl.M.P.Nos.10582 and 10583 of 2016

Vadivel ..Petitioner in both
the petitions/Accused

Vs.

State rep. By
Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore District ..Respondent in both
the petitions/Complainant

Prayer: Criminal Original Petitions filed under Section 482 of Cr.P.C., to set aside the order dated 20.09.2016 made in Crl.M.P.Nos.451 and 452 of 2016 in S.C.No.184 of 2014 on the file of Mahila Court, Coimbatore by allowing the petitions.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr. C.Emalias
Additional Public Prosecutor

C O M M O N O R D E R

Seeking to set aside the order dated 20.09.2016 made in Crl.M.P.Nos.451 and 452 of 2016 in S.C.No.184 of 2014 by the learned Sessions Judge, Magalir Neethimandram (Mahila Court) Coimbatore, these petitions have been preferred by the petitioner after invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

2.Heard both sides.

3. It is averred in the petitions that the petition to re-call P.Ws. 1 to 11 for cross-examination was dismissed by the learned trial judge.

4. The learned counsel for the petitioner submits that none of the witnesses were cross-examined and the matter has reached the final stage.

5. The learned Additional Public Prosecutor submits that the Sessions Case is of the year 2014 and the accused is expected to cross-examine the witnesses then and there and having not done so, the petitioner cannot claim for cross-

examination at this stage. He would further submit that the trial has come to an end and the matter is posted for arguments.

6. The petitioner is no doubt expected to cross-examine the witnesses then and there and he cannot prolong the trial by filing a petition to re-call the witness for cross-examination in a casual manner.

7. The petitioner is facing trial for offences under Sections 498A, 307 IPC and Section 4 of Prevention of Women harassment Act. Admittedly, the case is entirely based upon the complaint given by wife of the petitioner. It is also brought to the notice of this Court that a compromise petition filed by the parties was also returned by the trial court. When the accused is facing trial of offence, which are grave in nature affording an opportunity to put forth their case is a must.

8. Considering the facts and circumstances, this Court is of the considered view that opportunity is to be given to the petitioner to cross-examine P.W.1 to P.W.11. In fine, the order in C.M.P.Nos.451 and 452 of 2016 dated 20.09.2016 passed by the learned Sessions Judge, Magalir Neethimandram (Mahila Court) Coimbatore are set aside and P.W.1 to P.W.11 are to be cross-examined by the petitioner herein.

In the result, these Criminal Original Petitions are allowed and consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ssd

To

1. State rep. By Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore District

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.B.Kumarasamy, Advocate SR.58235

CrI.O.P.Nos.22705 and 22706 of 2016 and
CrI.M.P.Nos.10582 and 10583 of 2016

SR(CO)

En 12.11.16

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