

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.27429 of 2016

Malarvizhi

... Petitioner/petitioner/Accused

Vs

The Sub Inspector of Police,
K.4 Police Station,
Anna Nagar, Chennai-40.

... Respondent/Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in CrI.M.P.No.4032 of 2016 in C.C.No.2174 of 2015 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, and set aside the same.

For Petitioner : Mr.M.R.Sheik Abdul Rahim

For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to call for the records in CrI.M.P.No.4032 of 2016 in C.C.No.2174 of 2015 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, and set aside the same.

2. It is the case of the petitioner that she is facing trial in C.C.No.2174 of 2015 for the alleged offence under Sections 294(b), 384, 506(i) and 507 I.P.C. before the learned V Metropolitan Magistrate, Egmore, Chennai. During trial, she has filed a petition in CrI.M.P.No.4032 of 2016 before the learned Magistrate to recall P.Ws.1 to 10 for cross examination, on the ground that the counsel appeared for her before the trial Court held up in some other Court and hence, she could not cross examine them. The learned Magistrate dismissed the said petition on the ground that it was filed only to drag on the proceedings. Challenging the same, the petitioner has filed the

present petition.

3. Learned counsel appearing for the petitioner submitted that the learned Magistrate without providing adequate opportunity to the petitioner to have the cross examination completed, closed the petitioner's side, which is apparently improper. Thus, he sought to set aside the said order.

4. I have also heard the learned Additional Public Prosecutor and perused the entire materials available on record including the impugned order.

5. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to set aside the said order.

6. Accordingly, the order of learned V Metropolitan Magistrate, Egmore, Chennai, dated 30.11.2016 made in CrI.M.P. No.4032 of 2016 in C.C.No.2174 of 2015, is set aside and the criminal original petition is allowed. The petitioner is permitted to have the cross examination of P.Ws.1 to 10 completed within a period of three weeks from the date of receipt of a copy of this order. It is made clear that no further petition under Section 311 Cr.P.C. shall be entertained.

Sd/
Assistant registrar(CS II)

TRUE COPY//

sub assistant registrar

sbi

To

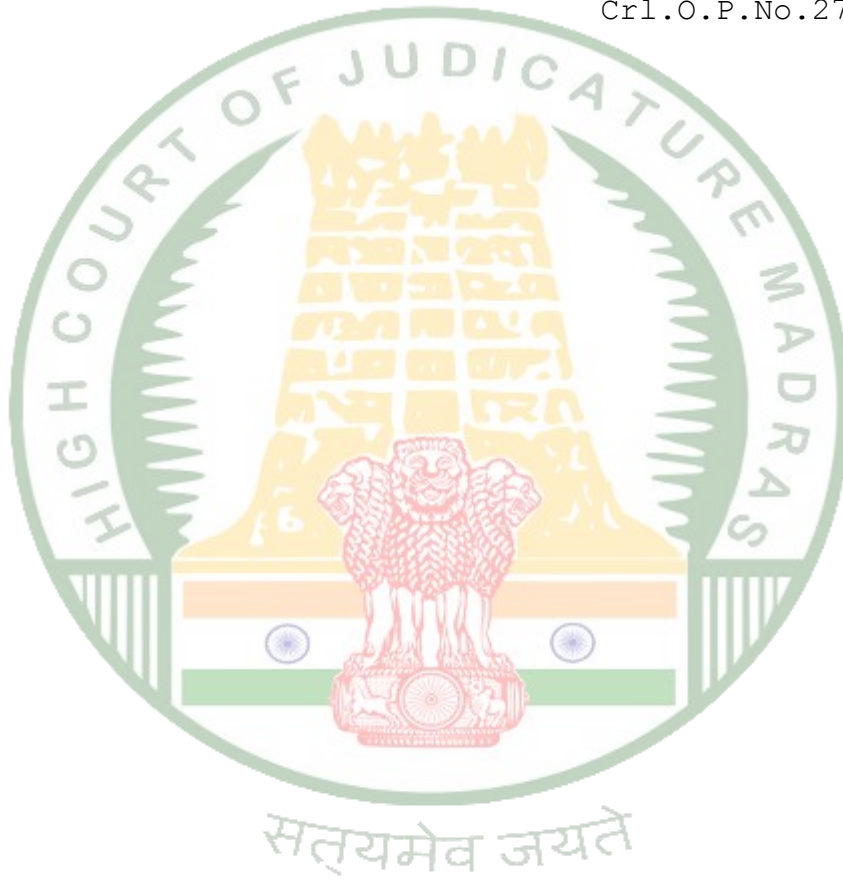
1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Sub Inspector of Police,
K.4 Police Station,
Anna Nagar, Chennai-40.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to M.R. Sheik AbdulRahim 76101

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pvs
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