

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

Crl.O.P. No.7226 of 2016

Venkataramanappa @
Venkataramanan

.. Petitioner

vs.

The State rep.by
The Deputy Superintendent of Police
Vigilance and Anti Corruption
Krishnagiri District.
Krishnagiri.

.. Respondent

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure Code, to set aside the order of learned Chief Judicial Magistrate[Special Judge], Krishnagiri in Crl.M.P.No.138 of 2016 in Spl.C.C.No.60 of 2008 dated 08.03.2016.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.V.Arul
Government Advocate
(Criminal side)

O R D E R

A2, viz.,Venkataramanappa @ Venkataramanan in Spl.C.C.No.60 of 2008, aggrieved by the dismissal of Crl.M.P.No.138 of 2016 by a common order dated 08.03.2016 passed by the learned Chief Judicial Magistrate [Special Judge], Krishnagiri in a petition filed under Section 311 Cr.P.C. to recall P.Ws.14 to 16, this Criminal Original Petition has been filed.

2. Heard both sides.

3. Perused the impugned order.

4. This Court is of the view that, in view of Articles 21 and 22 of the Constitution of India for an effective hearing a reasonable opportunity to cross examine the said witnesses have

to be given; otherwise right of fair trial will be violated [See Menaka Gandhi vs. Union of India [AIR 1978 SC 597]. However, any attempt to protract the trial should not be allowed.

5. Thus, it is ordered as under:

(i) The impugned common order passed by the learned Special Judge/Chief Judicial Magistrate, Krishnagiri in CrI.M.P.Nos.138 of 2016 and 155 of 2016 in Spl.C.C.No.60 of 2008 dated 08.03.2016 is set aside.

(ii) The learned Special Judge under P.C.Act/the Chief Judicial Magistrate, Krishnagiri shall recall P.Ws.14 to 16 for their cross examination by the defence side on 13.04.2016.

(iii) To and fro, train or bus fare, through shortest route, shall be reimbursed to PW16. Further, he shall be paid subsistence allowance of Rs.400/-.

(iv) The said amount shall be equally shared by A1 and A2.

(v) The said said amount shall be deposited before the trial court within three days from the date of receipt of a copy of this order.

(vi) It is made clear that all out efforts shall be made to complete their cross on the same day.

6. With the above directions, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

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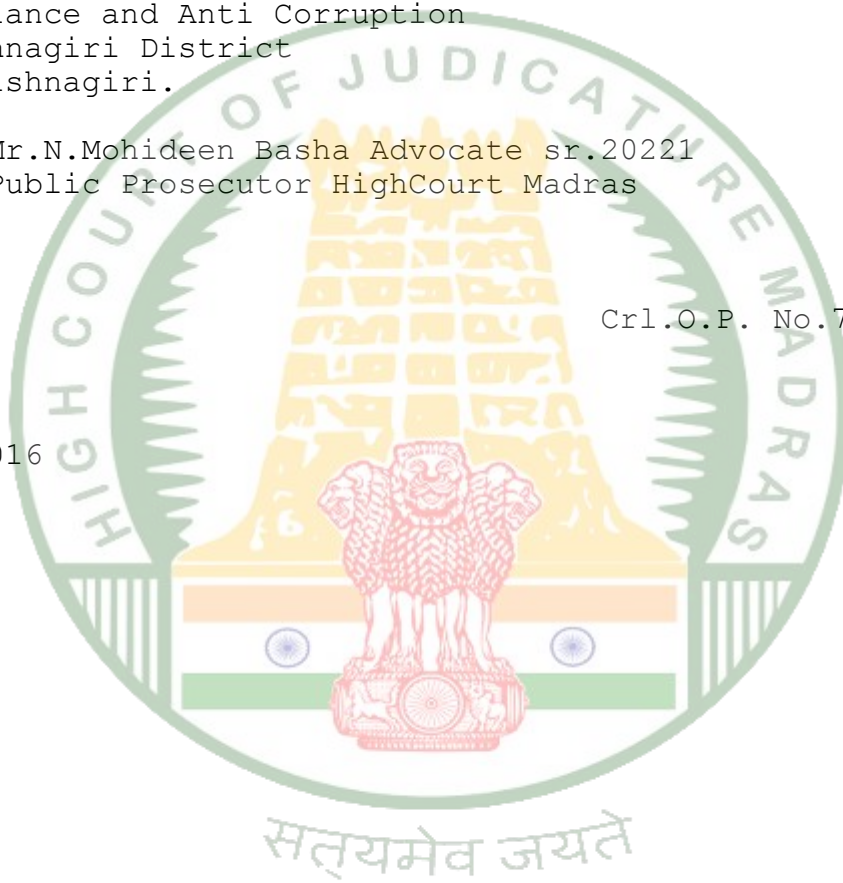
To

1. The Special Judge under P& C Act/
Chief Judicial Magistrate
Krishnagiri.
2. The Government Advocate
(Criminal side),
High Court,
Chennai.
3. The Deputy Superintendent of Police
Vigilance and Anti Corruption
Krishnagiri District
@ Krishnagiri.

+1 cc to Mr.N.Mohideen Basha Advocate sr.20221
+1 cc to Public Prosecutor HighCourt Madras
sr.20335

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