



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.19655 of 2016

and

Crl.M.P.(MD)No.9932 of 2016

R.Mani : Petitioner/Petitioner/
Sole Accused

-Vs-

State rep. By its
The Inspector of Police,
Orthanadu Police Station,
Thanjavur District

: Respondent/Respondent/
Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to set aside the order, dated 14.09.2016 passed in Crl.M.P.No.561 of 2016 in Spl. S.C.No.27 of 2014 on the file of the Sessions Magalir Neethimandram (Fast Track Mahila Court), Thanjavur and pass such further orders.

For Petitioner : Mr.G.Karnan

For Respondent : Mr.P.Kannithevan
Government Advocate (Criminal side)

O R D E R

This petition is filed to set aside the order, dated 14.09.2016 passed in Crl.M.P.No.561 of 2016 in Spl.S.C.No.27 of 2014 on the file of the Sessions Magalir Neethimandram (Fast Track Mahila Court), Thanjavur.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent and perused the materials available on record.

3.The learned counsel appearing for the petitioner would submit that PW15 was examined only on 12.08.2016 and immediately, the petitioner filed the application to call the witness and therefore, there is no delay. It is further submitted that PW7 to PW13 were cross examined by the accused on the same day and the other witnesses, now sought to be cross examined, could not be cross examined due to Boycott by the Advocates.



4.It is seen that the prosecution in order to prove the case examined PW1 to PW4 on 07.05.2015, PW5 and PW6 on 20.05.2015 and PW14 and PW15 on 18.12.2015. The accused, who have not cross examined the witnesses, filed application in Cr1.M.P.No.561 of 2016 under Section 311 of Cr.P.C seeking permission to cross examine the witnesses. The learned Sessions Judge, by following the decisions reported in (2000)5 SCC 668 [Swaran Singh vs. State of Punjab], (2001)5 SCC 667 [State of Uttar Pradesh Vs.Shambu Nath Singh] and 2016-1-L.W (Cr1.) 145 [K.Ramajayam @ Appu Vs. The Inspector of Police T-4, Maduravoyal Police Station, Chennai], in my view, has rightly dismissed the application.

5.In view of the above facts, I do not find any reason to set aside the impugned order, dated 14.09.2016. Hence this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To,

1.The Inspector of Police,
Orthanadu Police Station,
Thanjavur District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/s.G.Karnan, Advocate in SR.No. 62450/16

er

CSL/GSV-PM/11.11.2016: 2p/4c

Cr1.O.P. (MD) No.19655 of 2016
20.10.2016



WEB COPY