



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.12.2016

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Crl.O.P.(MD)No.24088 of 2016

and

Crl.M.P.(MD)No.12733 of 2016

Mahendran

...Petitioner/Accused/Petitioner.

Vs.

The Inspector of Police,
Tallakulam Police Station,
Madurai.

(CR.NO.39 OF 2015)

...Respondent/Defacto Complainant/
Respondent.

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned order passed by the learned Sessions Judge, Mahaliar Neethimandram, Madurai in Cr.M.P.No.1171 of 2016 in Special Case No.4 of 2016 and direct the learned Sessions Judge, Mahalir Neethimandram, Madurai to recall P.Ws.4 to 12 and permit the petitioner / accused to cross examine them.

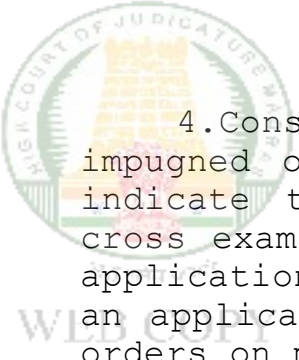
For Petitioner : Mr.M.Saravanan
For Respondents : Mr.P.Kandasamy,
Government Advocate (Crl. Side)

O R D E R

The petitioner has come forward with the present Criminal Original petition to set aside the impugned order passed by the learned Sessions Judge, Mahaliar Neethimandram, Madurai in Cr.M.P.No.1171 of 2016 in S.C.No.4 of 2016 and direct the learned Sessions Judge, Mahalir Neethimandram, Madurai to recall P.Ws.4 to 12 and permit the petitioner / accused to cross examine them.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

3.Since the petitioner was not able to point out the vital documents to be considered before cross examination, the learned Sessions Judge, on that ground, dismissed the application filed under Section 311 of Cr.P.C. thereby depriving reasonable opportunity to cross examine the witnesses / P.Ws.



4.Considering the facts and circumstances of the case the impugned order is set aside and the petitioner is permitted to indicate the documents to be considered or perused for having cross examination with all the necessary particulars by filing an application under Section 311 Cr.P.C. afresh. On filing of such an application, the Court below shall consider the same and pass orders on merits and in accordance with law.

5.The Criminal Original petition is disposed of accordingly. Consequently, connected CrI.M.P.is closed.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The Sessions Judge, Mahalir Neethimandram, Madurai.

2.The Inspector of Police,
Tallakulam Police Station,
Madurai.

+1CC to M/S.M.Saravanan, Advocate, SR.No. 83771

CrI.O.P.(MD)No.24088 of 2016

nbj

AM/SS3/SAR-2/02.01.2017/2P/4C (IT)