

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4071 of 2017

Siva

... Petitioner

Vs

The Sub Inspector of Police,
Kodambakkam Police Station,
Chennai.

(Crime No.1568 of 2013)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crl.M.P.No.58 of 2017 in S.C.No.49 of 2014 on the file of the XV Additional Sessions Judge, Chennai and set aside the same.

For Petitioner : Mr.S.N.Arunkumar

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

ORDER

The present petition has been filed challenging the order passed by the XV Additional Sessions Judge, Chennai dismissing the application filed under Section 311 Cr.P.C. in Crl.M.P.No.58 of 2017 in S.C.No.49 of 2014 to recall P.Ws.6, 7 and 27 for the purpose of cross examination.

2. It is the case of the petitioner that the chief examination of P.Ws.6 and 7 was over on 15.12.2016 and chief examination of P.W.27 was completed on 30.01.2017. At that time, the counsel for the petitioner could not cross examine the witnesses and hence, he has filed a petition for recalling the witnesses for the purpose of cross examination and the same was dismissed on the ground that there is no valid reason stated for non-cross examination of the witnesses and hence, there is no necessity to recall the above said witnesses. Challenging the same, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondent and perused the entire materials available

on record including the impugned order.

4. Since the petitioner is an accused in a murder case and in order to give an opportunity to defend his case, in the interest of justice, the criminal original petition is allowed. Accordingly, the order of learned XV Additional Sessions Judge, Chennai dated 14.02.2017 made in C.M.P.No.58 of 2017 in S.C.No.49 of 2004, is set aside and the trial court is directed to recall P.W.6, P.W.7 and P.W.27 on 06.03.2017 and on 07.03.2017 and the petitioner is directed to cross examine the said witnesses on the very same day itself. As the case is of the year 2014, the trial Court is directed to dispose of the case within a period of one month thereafter.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The XV Additional Sessions Judge,
Chennai.
2. The Sub Inspector of Police,
Kodambakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Arun kumar, Advocate, S.R.No.13147

MSM(CO)
RS(10/04/2017)

Cr1.O.P.No.4071 of 2017

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