

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrL.O.P.No.11565 of 2015
and
CrL.M.P.No.10637 of 2017

Vinoth Kumar @ Vinoth

...Petitioner

Vs.

State by Inspector of Police,
Peerkankaranai Police Station,
Kancheepuram District.
(Crime No.19 of 2010)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed by the learned Additional District and Sessions Judge, Kancheepuram District at Chengalpattu made in CrL.M.P.No.973 of 2014 in S.C.No.196 of 2011 dated 13.01.2015 in dismissing the petition filed by the petitioner herein under section 311 Cr.P.C.

For Petitioner : Mr.S.Sathish Kumar

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

ORDER

The only ground, on which the petition filed under Section 311 of Cr.P.C. has been rejected, is that though the case is posted for defence side evidence on 11.12.2014, the petitioner had chosen to file the application after a week and therefore, he is trying to protract the proceedings.

2. It is seen that the defence side evidence was posted on 11.12.2014 and the petitioner had chosen to file this application within a weeks time, which in my opinion, cannot be considered to have been filed for the purpose of protracting the proceedings. Hence, I am of the view that the petitioner can be given one more opportunity for the purpose of cross examining P.W.1 and P.W.2 and the same could be restricted to a days' time.

3. Hence, the order dated 13.01.2015, passed by the learned Additional District and Sessions Judge, Kancheepuram District at Chengalpattu in C.M.P.No.973 of 2014 is set aside. The learned trial Judge is directed to permit the petitioner to cross examine P.W.1 and P.W.2 on 14.09.2017. However, it is also made clear that the petitioner shall ensure that the cross examination of PW.1 and PW.2 shall be completed on the same day itself.

4. With the above observation and directions, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

04.09.2017

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nternet:Yes/No

Index:Yes/No

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To

1.The Inspector of Police,
Peerankaranai Police Station,
Kancheepuram District.

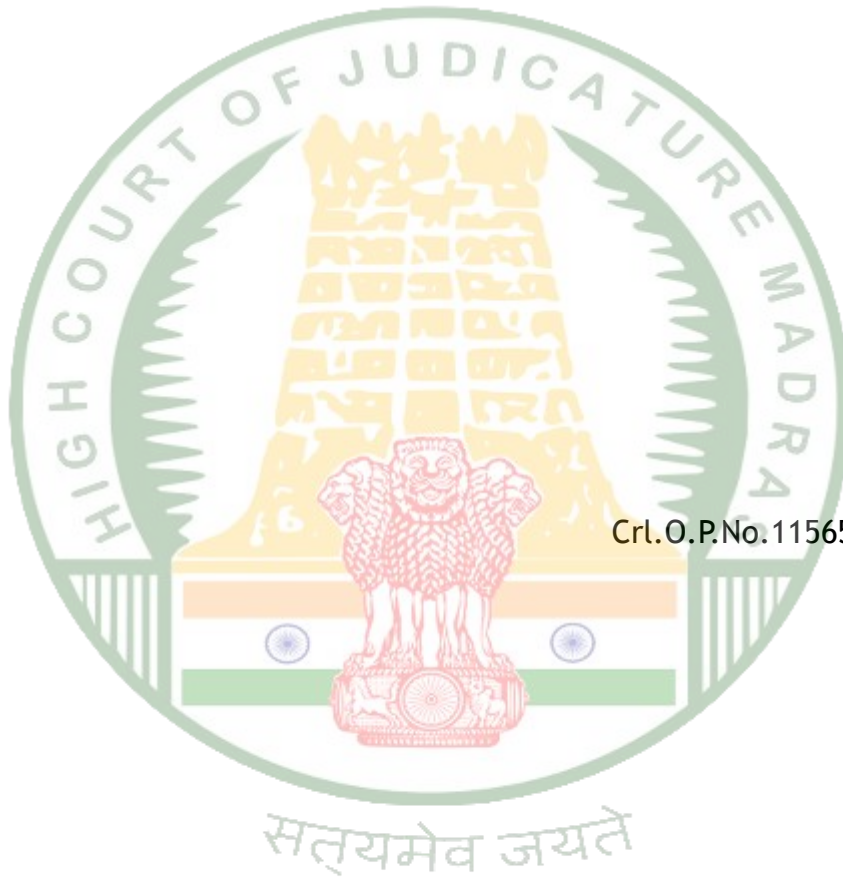
2. The Public Prosecutor
High Court, Madras.



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M.S.RAMESH.J.

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