

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.7442 of 2017

Vijaykumar

[Petitioner]

Vs.

State by,
The Inspector of Police,
Vandavasi South Police Station,
Thiruvannamalai District.
Crime No.36 of 2007

[Respondent]

Petition filed under Section 482 of the Criminal Procedure Code, to give opportunity and permit the petitioner to cross examine the witnesses P.Ws.1 to 11 in S.C.No.56 of 2008 pending on the file of the Fast Track Mahila Court, Thiruvannamalai.

For Petitioner : Mr.S.Silambarasan for
Mr.A.Athimoolam

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

By order dated 16.02.2017, Crl.O.P.No.3159 of 2017 came to be dismissed as withdrawn with liberty to approach the Trial Court for filing appropriate petition. Accordingly, the petitioner moved an

application under Section 311 Cr.PC for cross-examination of P.Ws.1 to 11, which came to be returned stating that Section 311 Cr.PC application in CrI.M.P.No.67 of 2017 on the file of the Fast Track Mahila Court, Thiruvannamalai, got dismissed on 25.11.2017. Hence this Criminal Original Petition.

2.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondent.

3.Heard the learned counsel on either side and perused the materials available on record.

4.The practice adopted by the Trial Court returning the Section 311 Cr.PC application filed by the petitioner stating that Section 311 Cr.PC application in CrI.M.P.No.67 of 2017 on the file of the Fast Track Mahila Court, Thiruvannamalai, got dismissed on 25.11.2017, cannot be countenanced. This Court granted liberty to file appropriate application before the Trial Court and only on such direction, the petitioner moved the Trial Court. Hence, the petitioner is permitted to cross examine P.Ws.1, 2, 6, 9, 10 and 11. The petitioner shall produce all those witnesses before the Trial Court for cross-examination, which shall take place on 21.06.2017 without fail. It is made clear that the

permission to cross-examine the above witnesses has been given on condition that the petitioner has to deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) to the District Legal Services Authority, Thiruvannamalai District, within a period of one week from the date of receipt of a copy of this order. No further adjournments or no petition under Section 311 Cr.PC be entertained by the Trial Court.

5.The Criminal Original Petition is disposed of accordingly.

Index : Yes/No
Internet : Yes/No

07.06.2017

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Note to the Registry: Issue order copy on 12.06.2017.

To

- 1.The Inspector of Police,
Vandavasi South Police Station,
Thiruvannamalai District.
- 2.The Fast Track Mahila Court Judge,
Thiruvannamalai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

R.MAHADEVAN, J.

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