

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.5526 of 2017

and

Crl.M.P.No.4127 of 2017

Ravichandran

... Petitioner/Accused

Vs.

State,

Represented by The Inspector of Police,
CID, P.S., through Assistant Public Prosecutor,
Pondicherry.

(Crime No.222/2002)

... Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the dismissal order passed by the Principal District and Sessions Judge at Pondicherry in Criminal Revision Petition No.14 of 2016 dated 23.01.2017 confirming the dismissal order passed by the Chief Judicial Magistrate, Pondicherry made in Cr.M.P.No.670 of 2016 in C.C.No.9 of 2008 dated 01.09.2016 and quash the same.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This Criminal Original Petition has been filed to set aside the dismissal order dated 23.01.2017, passed by the Principal District and Sessions Judge, Pondicherry in Criminal Revision Petition No.14 of 2016, confirming the order dated 01.09.2016, passed by the Chief Judicial Magistrate, Pondicherry in Cr.M.P.No.670 of 2016 in C.C.No.9 of 2008 and quash the same.

2.The grievance of the petitioner is that he could not examine P.Ws.1, 2, and 5, who are prime witnesses according to him. The petitioner's request has been rejected by the Trial Court on the ground that sufficient opportunity was given to the

petitioner to cross examine these three witnesses, which he has not availed. According to the Trial Court, the petitioner has filed this claim petition under Section 311 of Cr.P.C. only to drag on the proceedings.

3. I am of the view that if the petitioner is granted one more opportunity by fixing a time limit to cross examine these three witnesses, the ends of justice would be met. In this background, the order dated 01.09.2016 made in CrI.M.P.No.670 of 2016 in C.C.No.9 of 2008 is set aside. The petitioner is permitted to cross examine P.Ws.1,2 and 5 on 07.08.2017 and 08.08.2017. It is made clear that the petitioner shall complete the cross examination of the above said witnesses on the aforesaid date and that there shall be no further extension of time for cross examination.

4. With the above observation, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rm
To

1.The Principal District and Sessions Judge,
Pondicherry.

2.The Chief Judicial Magistrate,
Pondicherry.

3. The Inspector of Police,
CID, P.S., through Assistant Public Prosecutor,
Pondicherry.
(Crime No.222/2002)

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Suresh Babu,Advocate sr.53537

CrI.O.P.No.5526 of 2017
and CrI.M.P.No.4127 of 2017

gjII(co)
ss(4/8/2017)