

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P. No.8537 of 2017 &
Crl.M.P.No.6109 of 2017

1.Thirumalaisamy
2.Easwaran

..Petitioners/Petitioners/
Accused

versus

State by Inspector of Police,
Kottur Police Station,
Coimbatore District.

..Respondent/Respondent/
Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the docket order dated 15.11.2016 made in C.M.P.No.6793 of 2016 in C.C.No.145 of 2013 on the file of the learned Judicial Magistrate No.II, Pollachi and allow the Criminal Original Petition.

For Petitioners : Mr.D.Selvaraju
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to set aside the docket order dated 15.11.2016 made in C.M.P.No.6793 of 2016 in C.C.No.145 of 2013 on the file of the learned Judicial Magistrate No.II, Pollachi and allow the Criminal Original Petition.

2. It is the case of the petitioners that they filed C.M.P.No.6793 of 2016 before the learned Judicial Magistrate No.II, Pollachi, to recall P.W.1 to P.W.3 and P.W.9 for the purpose of cross examination. However, by an order dated 15.11.2016, the said petition was dismissed by the learned Magistrate on the ground that the intention of the petitioners to file such petition, was only to drag on the proceedings. Challenging the said order of dismissal, the petitioner has come up with the present petition.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the facts and circumstances of the case, this Court is of the opinion that an opportunity should be given to the petitioners to cross examine P.W.1 to P.W.3 and P.W.9, in order to enable the Court below to arrive at a correct decision in the case.

5. Accordingly, this Criminal Original Petition is ordered in the following terms:

(i) The order dated 15.11.2016 passed by the learned Judicial Magistrate No.II, Pollachi in C.M.P.No.6793 of 2016 in C.C.No.145 of 2013 is set aside.

(ii) The petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the Legal Services Authority, Chennai, within a period of one week from the date of receipt of a copy of this order, failing which, this order shall stand vacated automatically.

(iii) On such deposit within the stipulated period, the petitioners are permitted to recall P.W.1 to P.W.3 and P.W.9 for the purpose of cross examination.

(iv) The cross examination of P.W.1 to P.W.3 and P.W.9 shall take place on 09.05.2017, on which date, the same has to be completed.

Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Judicial Magistrate No.II,
Pollachi.

2.The Inspector of Police,
Government of Tamil Nadu,
Kottur Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

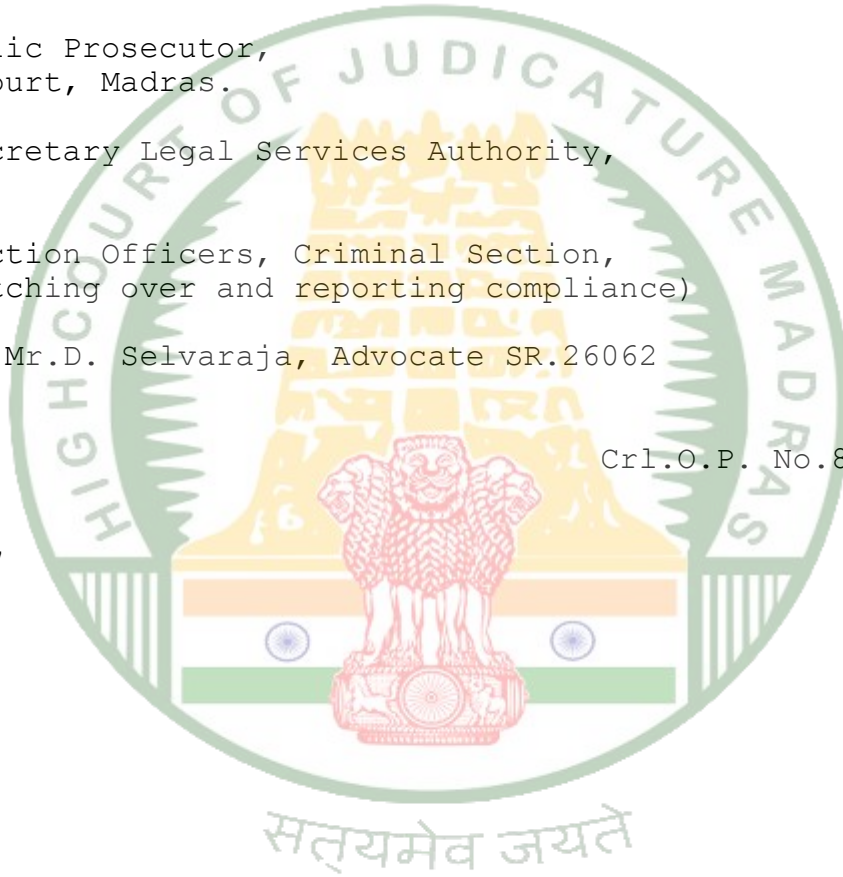
4. The Secretary Legal Services Authority,
Chennai.

5. The Section Officers, Criminal Section,
(for watching over and reporting compliance)

+ 1 cc to Mr.D. Selvaraja, Advocate SR.26062

Crl.O.P. No.8537 of 2017

PVS (CO)
EU 2.05.17



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