

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.361 of 2017

and Crl.M.P.No.241 of 2017

Karthikeyan ... Petitioner

Vs

The State, rep by
The Inspector of Police,
Kottur Police Station,
Coimbatore District. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the learned Judicial Magistrate No.2, Pollachi, made in C.M.P.No.6783 of 2016 in C.C.No.195 of 2013 dated 18.11.2016.

For Petitioner : Mr.M.N.Balakrishnan
For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to set aside the order dated 18.11.2016 passed by the learned Judicial Magistrate No.II, Pollachi, made in C.M.P.No.6783 of 2016 in C.C.No.195 of 2013.

2. It is the case of the petitioner that he is facing trial before the learned Judicial Magistrate No.II, Pollachi, in C.C.No.195 of 2013 for the alleged offence punishable under Sections 279, 337 and 304-A I.P.C. During the course of trial, he filed a petition in C.M.P.No.6783 of 2016 under Section 311 Cr.P.C. seeking to cross examine P.Ws.1 and 2 and the same was dismissed by the learned Judicial Magistrate No.II, Pollachi. Challenging the said order of dismissal, the petitioner has come up with the present petition.

3. Learned counsel appearing for the petitioner submitted that due to non-availability of some important documents, the petitioner was not able to cross examine P.Ws.1 and 2. However, without considering the same, the learned Magistrate dismissed the said petition.

4. Learned Additional Public Prosecutor has no serious objection to allow this petition.

5. Considering the facts and circumstances of the case, this Court is of the view that the petition could be allowed by imposing costs.

6. Accordingly, the order of the learned Judicial Magistrate No.II, Pollachi, made in C.M.P.No.6783 of 2016 in C.C.No.195 of 2013 dated 18.11.2016 is set aside and the petitioner is permitted to cross examine P.Ws.1 and 2, subject to payment of a sum of Rs.1,000/- (Rupees one thousand only) to the Tamil Nadu Legal Aid Services Authority, within a period of two weeks from the date of receipt of a copy of this order, failing which, the order gets vacated automatically. On such payment within the stipulated period, the petitioner is permitted to cross examine P.Ws.1 and 2. The cross examination of P.Ws.1 and 2 shall be completed within a period of three weeks from the date of payment of the said amount. The criminal original petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II,
Pollachi
- 2.The Inspector of Police,
Kottur Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.N. Balakrishnan, Advocate, S.R.No.2012

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Cr1.O.P.No.361 of 2017



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