

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

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**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

Crl.O.P.No.6749 of 2017

1.Murugan

2.Paramasivam

[ Petitioners ]

Vs

State:

The Inspector of Police,  
N-1, Royapuram Police Station,  
Chennai.

(Cr.No.816 of 2015).

[Respondent]

Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order dismissing the petition preferred under Section 311 of the Code of Criminal Procedure to recall the witnesses P.Ws.1 to 11 in Crl.M.P.No.976 of 2017 in C.C.No.855 of 2015 in the Court of the learned XVI Metropolitan Magistrate, at George Town, Chennai, by his order dated 17.03.2017.

For Petitioners : Mr.G.Mohanakrishnan

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

**ORDER**

The petition filed by the petitioners under Section 311 of Cr.PC before the Trial Court for examination of witnesses P.Ws.1 to 11, was dismissed without stating any reasons. On this ground, the learned

counsel for the petitioners submit that the impugned order has to be set aside.

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

3.It is seen that the order passed by the Trial Court dismissing the Section 311 Cr.PC petition is a non-speaking order. This sort of practice by the Trial Court cannot be countenanced. Hence, the impugned order is quashed and the petitioners are permitted to cross examine the witnesses P.Ws.1 to 11 before the Trial Court on 03.07.2017 and 04.07.2017. The petitioners are directed to ensure service of summons to the said witnesses for appearance on the above days, before the Trial Court. The above order is passed subject to the condition that the petitioners pay a sum of Rs.3,000/- (Rupees Three Thousand Only) as cost to the Tamil Nadu Legal Services Authority, Chennai within a period of one week from today. Further, it is made clear that no further adjournments or no petition under Section 311 of Cr.PC shall be entertained by the Trial Court.

4.The Criminal Original Petition is disposed of accordingly.

Index : Yes/No  
Internet : Yes/No

**21.06.2017**

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Note to the Registry: Issue order copy on 23.06.2017.

To

- 1.The Inspector of Police,  
N-1, Royapuram Police Station,  
Chennai.
- 2.The Public Prosecutor,  
Madras High Court,  
Chennai-600 104.

**R.MAHADEVAN, J.**

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