

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3978 of 2017

and

Crl.M.P.No.2963 of 2017

Veeriaperumal

... Petitioner

Vs

State rep. by
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai - 600
024.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the common order made in Crl.M.P.No.56 of 2017 in S.C.No.49 of 2014 dated 14.02.2017 pending trial on the file of the learned XV Additional Sessions Judge at Chennai and direct the trial court to recall the P.W.6 and P.W.7 and P.W.27 for the purpose of cross examination by the petitioner.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed challenging the order of dismissal passed in Crl.M.P.No.56 of 2017 dated 14.02.2017 by the learned XV Additional Sessions Judge, Chennai to recall P.Ws.6, 7 and 27 for cross examination.

2. The petitioner is A-3 in Sessions Case No.49 of 2014 on the file of the learned XV Additional Sessions Judge, Chennai. He stood charged for the offences under Sections 120(b), 324, 302 r/w 34 IPC.

3. The grievance of the petitioner is that P.W.6 was examined in chief on 15.12.2016, P.Ws.24 and 25 were examined on 12.01.2017 and P.Ws.26 and 27 were examined in Chief on 20.01.2017, and 30.01.2017. Since A1 and A4 did not cross examine the above said witnesses on these days, the petitioner/A-3 also was not in a position to cross examine them. Hence, he filed an application on 02.02.2017, after closure of the prosecution witnesses, to recall the above prosecution witnesses for the purpose of cross examining them. But, the trial Court dismissed the application and hence he has come forward with the present petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5. Since the petitioner is an accused in a murder case and in order to give an opportunity to defend his case, in the interest of justice, the criminal original petition is allowed and the trial Court is directed to recall P.Ws.6, 7 and 27 so as to enable the petitioner/A-3 to cross examine the above said witnesses preferably on 06.03.2017 and on 07.03.2017. After questioning the accused under Section 313 Cr.P.C, and hearing the arguments, the trial Court shall deliver Judgment within a period of one month thereafter. Consequently, connected M.P. is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rrg

To

1. The XV Additional Sessions Judge,
Chennai.

2. The Public Prosecutor,
High Court, Madras-104.

+1cc To Mr.K.K. Kannan, Advocate, sr 12918

Cr1.O.P.No.3978 of 2017

SVI (CO)
RMP (14/03/17)