

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No. 21528 of 2017

1. Srikanth Rao
2.Nithin
3.Aruna Rao
4.Srinath

.. Petitioners

Vs.

The Inspector of Police,
K4 Police Station,
Anna Nagar Police Station,
Chennai-40.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 29.09.2017 in CrI.MP. No. 2999 of 2017 in C.C. No. 2725 of 2015 on the file of the V Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : M/s.K.Chandrakumar

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

The Petitioners' request to recall and cross examination of PW7 and PW8 under Section 311 of Code of Criminal Procedure was rejected on the ground that the petitioner did not exercise the option of cross examination when the PW7 & PW8 were present. Challenging the same, the present petition is filed.

2. It is true that the Hon'ble Supreme Court in various cases condemned the practices of vexatious applications filed under Section 311 of Cr.P.C to protract the proceedings.

3. Nevertheless, the learned counsel for the petitioners submitted that the petitioners may be given an opportunity for cross examining the prosecution witnesses PW7 and PW8 to prove that the allegation of the respondent in the complaint is false.

4. In view of the submissions made by the petitioner, by giving another opportunity to cross examine the prosecution witnesses PW7 and PW8, by fixing the time frame for completing the cross examination will not cause prejudice to the prosecution and by fixing such time frame, the proceedings may not get unjustifiably prolonged.

5. Hence the order passed in Crl.MP.No. 2999 of 2017 in C.C.No. 2725 of 2015, dated 29.09.2017 by the learned V Metropolitan Magistrate, Egmore, Chennai is set aside. Consequently, learned V Metropolitan Magistrate, Egmore, Chennai, is directed to permit the petitioners to recall and cross examine PW7 and PW8 on 08.11.2017. It is made clear that the petitioners shall complete the cross examination on the same day.

With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K4 Police Station,
Anna Nagar Police Station,
Chennai-40.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Chandrakumar, Advocate sr.74981

AR V
ss(25/10/2017)

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