

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.22321 of 2017
and Crl.M.P. No. 13079 of 2017

1. R.Premchandrar
2. R.Jebarajan

.. Petitioners/
petitioners/Accused 2 & 3

Vs.

The State,
Represented by The Inspector of Police,
CBCID Metro Wing, Chennai
Crime No.887 of 1999

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 12.10.2017 made in Crl.M.P. No. 3218 of 2017 in C.C. No. 2134 of 2017 on the file of the learned Metropolitan Magistrate's Court for exclusive Trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai, allow the said Crl.M.P. filed by the petitioners.

For Petitioner : M/s.Arulselvam Associaties
For Respondent : M/s.C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

The Petitioner's request to recall and cross examination of PW24 and Pw32 & PW33 for further cross examination under Section 311 of Code of Criminal Procedure was rejected on the ground that the petitioners have not stated any reasons for further cross examination of PW24, Pw32 and Pw33 and did not exercise the option of cross examination when they 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 PW24, Pw32 and Pw33 to prove that the allegation of the respondent in the complaint is false.

4. In view of the submissions made by the petitioners, by giving another opportunity to cross examine the prosecution witnesses PW24, Pw32 and Pw33, 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 CMP No. 3218 of 2017 in C.C.No. 2134 of 2017, dated 12.10.2017 by the learned Metropolitan Magistrate, Chennai is set aside. Consequently, the learned Metropolitan Magistrate, Chennai for exclusive Trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai, is directed to permit the petitioner to recall and cross examine PW24, PW32 and PW33 on 13.11.2017. 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. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate,
Court for CCB Case and CBCID Cases,
Chennai.
2. The Inspector of Police,
CBCID Metro Wing, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Arulselvam Associates, Advocate, S.R.No.78080

CRL.O.P.No.22321 of 2017

MP (CO)
CS/07/11/17



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