

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.22647 of 2017

Uthirapthy .. Petitioner/Accused
Vs.

Periyasamy .. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. against the order passed by the learned Judicial Magistrate-I, Virudhachalam, Cuddalore District in C.M.P.No.5205 of 2017 in S.T.C.No.242 of 2015 dated 14.09.2017.

For Petitioner : Mr.C.Deivasigamani

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

ORDER

Petitioner has been arrayed as an accused in S.T.C.No.242 of 2015. An application to recall the witnesses for further cross examination filed by the petitioner under Section of 311 Cr.P.C had been rejected. Aggrieved against the same, the present petition had been filed.

2. According to the learned counsel for the petitioner since the erstwhile counsel had omitted to cross examine the vital facts and has not cross examined P.W.1 properly, the petitioner was constrained to change the counsel on record. It is further stated that the very purpose was to bring out the facts, one more opportunity could have been granted and the petitioner.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. I do not find any infirmity in the order of the learned Magistrate, however, taking a sympathetic view, since it is ensured that the petitioner may not drag on the proceedings, there will be a direction to the learned Magistrate to permit the petitioner to recall and cross examine P.W.1 on 06.11.2017. It is also made clear that the cross examination shall be completed on the same day itself and no further time will be granted.

5.In view of the above, the order passed by the learned Judicial Magistrate-I, Virudhachalam in C.M.P.No.5205 of 2017 in S.T.C.No.242 of 2015 is set aside and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

smi

To

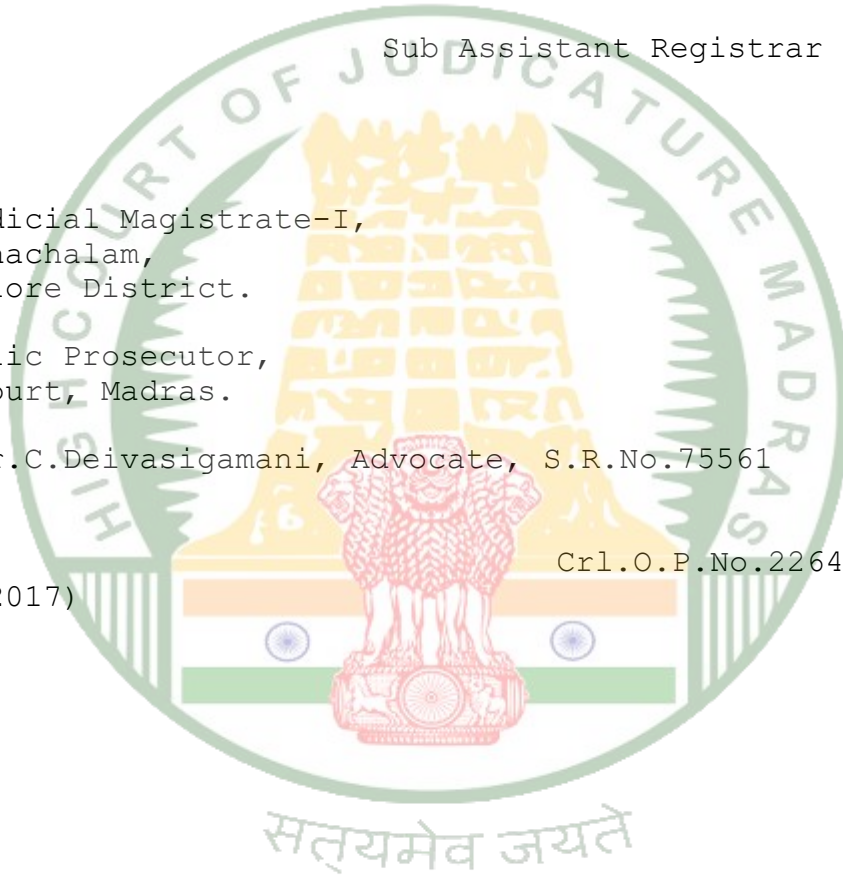
1. The Judicial Magistrate-I,
Virudhachalam,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Deivasigamani, Advocate, S.R.No.75561

GN(02/11/2017)

Crl.O.P.No.22647 of 2017



WEB COPY