

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.22648 of 2017

Uthirapathy

.. 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.5203 of 2017 in S.T.C.No.210 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.210 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 for changing the counsel was to elucidate the vital facts, one more opportunity could be granted to the petitioner to cross examine.

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 and at the same time ensure that the petitioner should 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 made clear that the cross examination shall be completed on the same day itself and no further time should be granted.

5.In view of the above, the order passed by the learned Judicial Magistrate-I, Virudhachalam in C.M.P.No.5203 of 2017 in S.T.C.No.210 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.75560

Cr1.O.P.No.22648 of 2017

GN(02/11/2017)

सत्यमेव जयते

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