

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26149 of 2017
and Crl.M.P. No. 15032 of 2017

Sabari@Sabarinathan@Aramu

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Belukurichi Police Station,
Namakkal District.
(Crime No.261 of 2014)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 07.09.2016 made in Crl.M.P. No. 355 of 2016 in C.C. No. 55 of 2015 on the file of the learned Mahila Judge, Namakkal

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The Petitioner's request to recall and cross examination of PW1 and PW 3 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 PW1 and PW 3 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 petitioner submitted that the petitioner may be given an opportunity for cross examining the prosecution witness PW1 and PW 3 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 witness PW1 and PW 3, 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. 355 of 2016 in C.C.No. 55 of 2015, dated 07.09.2016 by the learned Sessions Judge,(Fast Track Mahila Court) Namakkal is set aside. Consequently, the learned Sessions Judge,(Fast Track Mahila Court) Namakkal , is directed to permit the petitioner to recall and cross examine PW1 and PW3 on

15.12.2017. It is made clear that the petitioner 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.

11.12.2017

Index : Yes/No
Internet: Yes/No
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Note : Issue order copy on 12.12.2017

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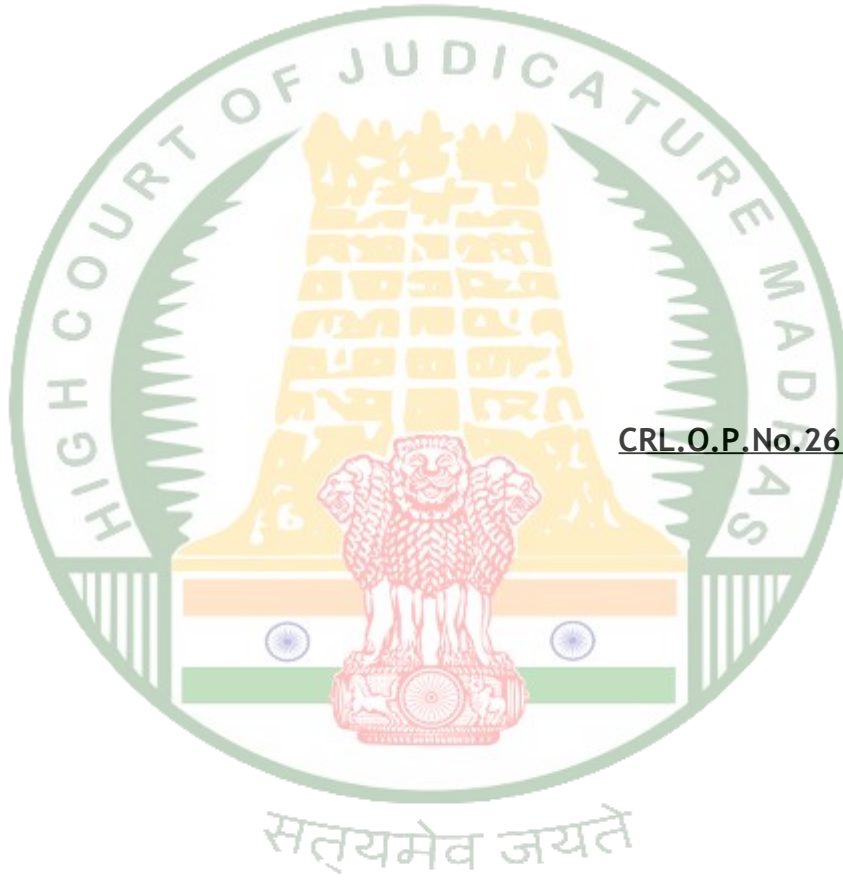
1. The Sessions Judge, (Fast Track Mahila Court)
Namakkal
2. The Public Prosecutor
High Court, Madras.

सत्यमेव जयते

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M.S. RAMESH.J.,

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