

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.27006 of 2016

Natesan .. Petitioner/Petitioner

Vs.

1. The Deputy Superintendent of Police,
Salem.
2. The Inspector of Police
Veeranam Police Station,
Veeranam,
Salem District.
(Crime No.538 of 2003) ... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and for setting aside the docket order made in M.P.Sr.No.11542 of 2016 dated 29.11.2016 in S.C.No.34 of 2005 on the file of the I Additional District Judge, Salem.

For Petitioner : Mr.S.Jayakumar
For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed praying to set aside the order made in M.P.Sr.No.11542 of 2016 dated 29.11.2016 in S.C.No.34 of 2005 on the file of the I Additional District Judge, Salem.

2.The only ground raised by the learned counsel for the petitioner is that, the petitioner being an illiterate could not cross examine the witnesses on an earlier occasion, in view of the boycott of advocates. The Hon'ble Supreme Court of India has already held that boycott of advocates cannot be a reason for non-examination of the witnesses. Nevertheless, the learned counsel for the petitioner made an earnest request to consider the matter sympathetically and also gave an undertaking that he did not intend to prolong the proceedings under the guise of recalling the case.

3.Since the case of 302 IPC and that the issue might be agitated till the Apex Court, it would be appropriate to take sympathetic view of the issue and curtail the time limit for recalling and cross examining the witnesses P.Ws.1,6,14,21 and 25.

4.I am of the view that an opportunity can be granted to the petitioner to cross examine these witnesses by stipulating a time limit.

5.In the result, the Criminal Original Petition stands allowed and the order dated 29.11.2016 passed in M.P.Sr.No.11542 of 2016 in S.C.No.34 of 2005 is set aside. The petitioner is permitted to cross examine the witnesses P.Ws.1,6,14,21 and 25 on 06.11.2017 and 07.11.2017. It is made clear that the cross examination shall be completed within these two days and no further time for extension will be entertained.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

rm

To

1. The I Additional District Judge,
Salem.

2. The Deputy Superintendent of Police
Salem.

3. The Inspector of Police
veeranam Police Station
Veeranam, Salem.

4. The Public Prosecutor
High Court, Madras.

+1 Cc to Mr.S. Jayakumar, Advocate sr 74960.

CrI.O.P.No.27006 of 2016

SP(25/10/2017)