

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

CrI.OP No.27134 of 2016 &

CrI.M.P.No.13726 of 2016

Vijay @ Vijayan @ Vijayakumar ..Petitioner/Accused
Vs

The State Represented by

Inspector of Ploice

District Crime Branch

Erode.

(Crime No.2 of 2009)

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the order dated 03.12.2016 made in C.M.P.No.3377 of 2016 in C.C.No.517 of 2013 on the file of the Chief Judicial Magistrate, Erode.

For Petitioner :Mr.M.Guruprasad

For Respondent :Mr.P.Govindarajan

Additional Public Prosecutor.

- - - -

O R D E R

The petitioner's request to recall and cross examination of PW1 to PW18 under Section 311 of Code of Criminal Procedure was rejected. 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.PC to protract the proceedings.

3. Nevertheless, the petitioner submits that there are some favourable sections which are liberated to prove the witness that he has no intention to protract the proceedings and hence, by way of giving an opportunity to the petitioner, time frame can be fixed for completing the cross examination.

4. Under such circumstances, the petitioner is permitted to recall and cross examine the evidence of PW1 to PW18 on 2nd, 3rd and 4th of August,2017. It is made clear that the petitioner will not be permitted under any circumstances to exceed the cross examination after 04.08.2017.

5. With the above observations, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dh/ak

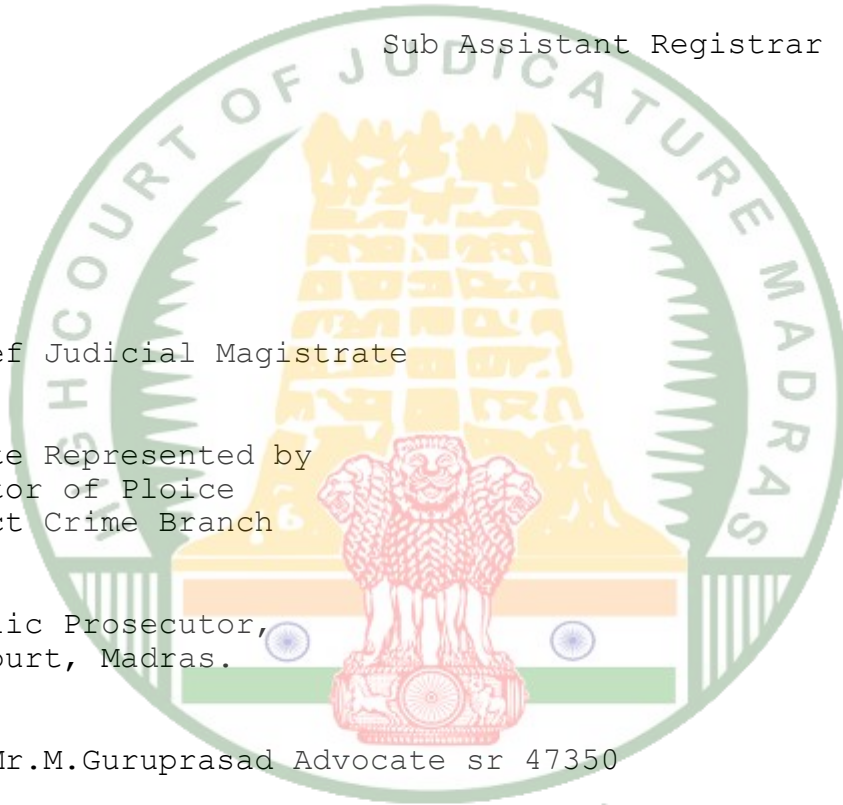
To

1.The Chief Judicial Magistrate
Erode

2.The State Represented by
Inspector of Ploice
District Crime Branch
Erode

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Guruprasad Advocate sr 47350



CRL.O.P.No.27134 of 2016

scd(co)
aa17/07/2017

WEB COPY