

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

CrI.OP No.27365 of 2016
& CrI.MP.NO.13926 of 2016

Balasubramanian

..Petitioner

Vs

The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai.

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order in Cr.M.P.No.1187 of 2016 in C.C.No.2971 of 2012 dated 23.11.2016, pending on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : M/s.R.Prabhavathy

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor.

O R D E R

The grievance of the petitioner is that he was not given an opportunity for cross examination of PW1 to PW8 though, he has filed a petition under Section 311 of Cr.PC, seeking relief to recall the PW1 to PW 8 for cross examination.

2. The trial Court has rejected the petitioner's request under Section 311 of Cr.P.C., on the ground he was not vigilant from 18.06.2013 and the Petition under Section 311 of Cr.P.C., was moved only on 06.04.2016, without assigning any valid any reasons.

3. I am of the view that the petitioner can be given an opportunity in the present facts of the case. However, the petitioner herein cannot take advantage of protracting the

proceedings in the guise of cross examining the witnesses and hence the time for cross examination can be restricted to one week.

4. In the result, the order dated 23.11.2016 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in Cr.M.P.No.1187 of 2016 in C.C. No. 2971 of 2012 is set aside. The petitioner is granted liberty for cross examining of PW1 to PW8. Such exercise shall be completed within a period of one week, commencing from 04.08.2017.

5. The petitioner shall bare necessary expenses for transportation of the witnesses.

With the above observations, the Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dh/ak

To

1. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai.
2. The Public Prosecutor
High Court, Madras.
3. The XI Metropolitan Magistrate,
Saidapet, Chennai.

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CRL.O.P.No.27365 of 2016

GP(CO)
CU(26/07/2017)