

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

Crl.OP No.14420 of 2017

Elango

.. Petitioner

Vs.

The Inspector of Police,
Mettur Police Station,
Mettur Dam

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
to to set aside the order passed in C.M.P.No.386 of 2017 in
C.C.No.15 of 2011 dated 04.03.2017 on the file of District Munsif
cum Judicial Magistrate No.I, Mettur.

For Petitioner :Mr.K.Thenrajan

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

ORDER

Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the respondent.

2.The only ground on which the petitioner's petition filed under Section 311 of Cr.P.C., to recall P.W.1, P.W.4, P.W.5, P.W.7, P.W.8 and P.W.9 for cross examination was dismissed, was that the petitioner inspite of adequate opportunities had not taken any steps to file a petition under Section 311 of Cr.P.C.

3.Nevertheless, the petitioner has produced the copy of the petition filed under Section 311 of Cr.P.C., dated 23.01.2017.

4.In view of the same, it would be appropriate to grant last opportunity to the petitioner to cross examine the witnesses and this Court is conscious of the fact that the petitioner should not protract the trial in view of various decisions of the Hon'ble Supreme Court and this Court and in order to meet the ends of justice, the petitioner is permitted to recall and cross examine the witnesses namely, P.W.1, P.W.4, P.W.5, P.W.7, P.W.8 and P.W.9 and complete the trial on a single day. Hence, the order dated 04.03.2017 passed in C.M.P.No.386 of 2017 in C.C.No.15 of 2011 is set aside. The learned Judicial Magistrate No.I, Mettur is called upon to take up the petitioner's petition filed under Section 311 of Cr.P.C., and permit him to recall the witnesses namely, P.W.1, P.W.4, P.W.5, P.W.7, P.W.8 and P.W.9 on 16.08.2017 and

complete the cross examination on the same day. The petitioner is also directed to bear the costs of the witnesses which shall be determined by the learned District Munsif cum Judicial Magistrate No.I, Mettur.

5.In the result, the Criminal Original Petition is allowed.

31.07.2017

mrp

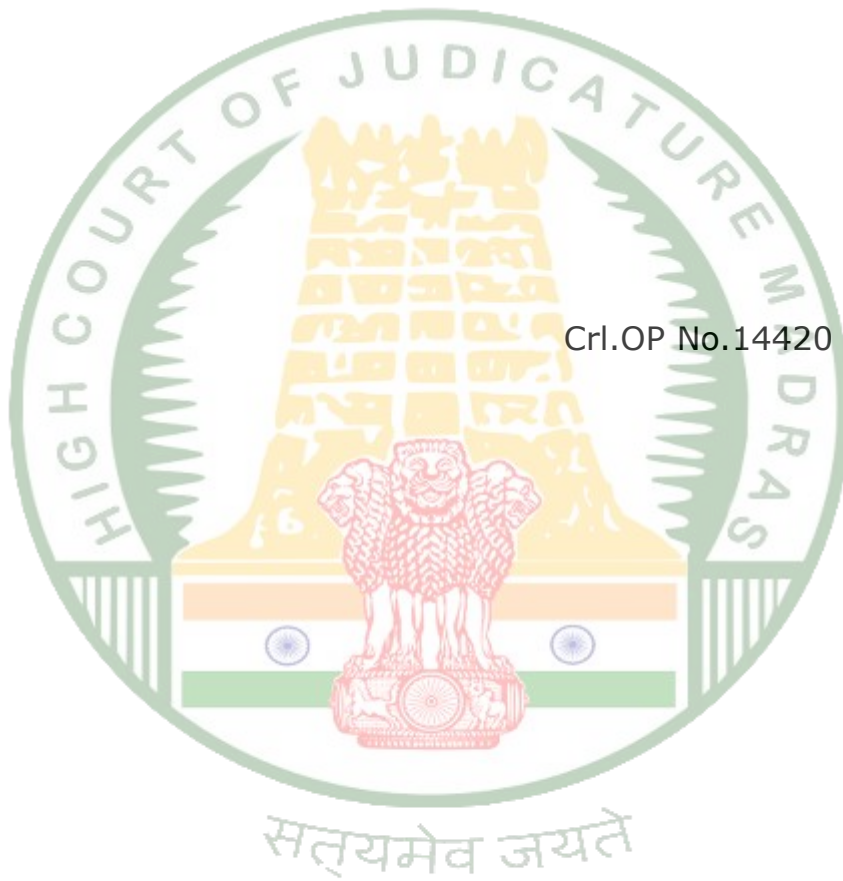
To

- 1.The District Munsif cum Judicial Magistrate No.I,
Mettur.
- 2.The Inspector of Police,
Mettur Police Station,
Mettur Dam
- 3.The Public Prosecutor,
High Court, Madras.

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M.S.RAMESH.J,

mrp



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