



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

Crl.O.P.(MD)No.13044 of 2017

&

Crl.M.P.(MD)No.8847 of 2017

Bervin Prince, S/o.Francis Xavier

... Petitioner

Vs.

The Sub-Inspector of Police,
Eraniel Police Station,
Nagercoil.
(Cr.No.775 of 2014)

... Respondent

Prayer:- Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the orders passed by the learned Juvenile Justice Board, Nagercoil, dated 21.04.2017, in Crl.M.P.No.125 of 2017 in J.C.No.26 of 2015 and set aside the same and allow the said application as prayed for.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.K.Anbarasan

Government Advocate (Criminal side)

O R D E R

This Criminal Original petition has been filed seeking to set aside the order of the Juvenile Justice Board, Nagercoil, dated 21.04.2017, in Crl.M.P.No.125 of 2017 in J.C.No.26 of 2015.

2.The petition filed by the petitioner under Section 311 Cr.P.C. to recall the prosecution witnesses for cross examination was dismissed on the ground that no valid reason has been stated to recall the witnesses.

3.The learned counsel appearing for the petitioner would submit that the petitioner undertakes to cross-examine P.Ws.7 and 9 on the date of appearance of the witnesses.

4.In view of the submissions made by the learned counsel appearing for the petitioner and in order to give one more opportunity to the petitioner, the order of the Juvenile Justice Board, Kanyakumari District, dated 21.04.2017 made in Crl.M.P.No.125 of 2017 is set aside and the Juvenile Justice Board is directed to allow Crl.M.P.No.125 of 2017 filed under Section 311 Cr.P.C. and recall P.Ws.7 and 9 into box within one week from the date of the order to be passed in Crl.M.P.No.125 of 2017 and



the petitioner is directed to cross-examine the witnesses on the same day. The Juvenile Justice Board, Kanyakumari District is directed to dispose J.C.No.26 of 2015 within two months thereafter.

5. This Criminal Original petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(vacation officer)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Magistrate,
Juvenile Justice Board,
Nagercoil.
2. The Sub-Inspector of Police,
Eraniel Police Station,
Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.81285

SJ

VB/KK/SAR2/04/10/2017/2P/5C

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