



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

CrI.R.C (MD) No.166 of 2016

and

CrI M.P(MD)No.2395 of 2016

1.Alexander
2.Jeyapandi
3.Chellappa
4.Mayee
5.Chinnasamy
6.Patturajan @ Pattu

... Petitioners/Accused 1 to 6

Vs.

State rep.by
The Inspector of Police,
Vikkiramangalam Police Station,
Crime No.179 of 2011

... Respondent/Complainant

Petition filed under Sections 397 read with 401 Cr.P.C, to call for records in CrI.M.P.No.51 of 2016 in S.C.No.102 of 2012 on the file of the III Additional Sub Judge, Madurai (Usilampatti Camp), Madurai and set aside the same.

For Petitioners : Mr.S.Ravi
for Mr.A.K.Manickam

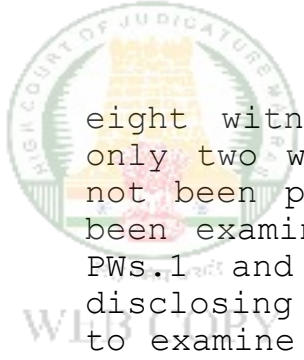
For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

Challenging the order, dismissing the petitioner's application filed under Section 242(3) Cr.P.C. to stop cross examination of P.W.1 and P.W.2, this Criminal Revision Case has been filed.

2.The petitioners are the accused in S.C.No.102 of 2012 on the file of the III Additional Sub Judge, Madurai (Usilampatti Camp), Madurai and they stood charged for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 and 34 r/w 109 IPC.

3.The learned counsel appearing for the petitioners submitted that the counter case filed by the petitioners is pending in S.C.No.101 of 2012. But, the trial Court without conducting simultaneous trial in both cases, has conducted trial only in S.C.No.102 of 2012. It is further submitted that there are totally



eight witnesses. But, during trial, the prosecution has produced only two witnesses (PW1 and PW2) and the remaining witnesses have not been produced and in the counter case also, no witnesses have been examined. Apprehending that if the petitioners cross examined PWs.1 and 2, the other eye witnesses may take advantage of disclosing the evidence adduced by PWs.1 and 2, the petitioner wants to examine the remaining witnesses on the same day. Hence, he filed the above petition. The trial Court dismissed the same without assigning any reason and it has been simply stated that deferring the cross examination is unacceptable. Challenging the same, the present Criminal Revision Case has been filed.

4.Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the prosecution is ready to produce all the eye witnesses on the same day and they are ready to examine all the witnesses and time may be fixed for examining the witnesses in chief and also for cross examination. It is further submitted that the counter case filed by the petitioners is posted for hearing on 17.08.2017.

5.Considering the above submission, the order passed by the Court below is set aside. The prosecution is directed to produce all the eye witnesses on 17.08.2017 and take chief examination on the same day and the petitioners/accused are directed to cross examine the eye witnesses to be produced on the next two working days. The trial Court is directed to conduct simultaneous trial in both cases and complete the trial within a period of two months thereafter.

6.This Criminal Revision Case is allowed with the above observation. Consequently, CrI MP(MD)No.2395 of 2016 is closed.

Sd/-
Assistant Registrar(CrI.Side)

/True Copy/

Sub Assistant Registrar

To

1.III Additional Sub Judge, Madurai (Usilampatti Camp),
Madurai.

2.The Inspector of Police,
Vikkiramangalam Police Station.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MJ

JS/JC/SAR.3/9.8.2017/2P-4C