

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.813 of 2018 and
Crl.M.P.No.272 of 2018

Mohammed Aneez

... Petitioner/Accused No 2

Vs.

State represented by
The Inspector of Police,
SPE/CBI/ACB/Chennai.

.... Respondent/Complainant

Prayer: Criminal original petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 23.11.2017 made in Crl.M.P.No.1175 of 2017 in C.C.No.532 of 2010 on the file of the Chief Judicial Magistrate, Coimbatore.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondent : Mr.K.Srinivasan

Special Public Prosecutor (CBI Cases)

O R D E R

This petition is filed challenging the order passed by the trial Court allowing on costs the application filed under Section 311 of code of criminal procedure, to recall P.W.13 and 14, who were present on 13.10.2017 for being cross examined, but not cross examined by the petitioner on that day.

2. The criminal trial of the offences alleged to have occurred in the year 2005. After completion of investigation, final report filed in the year 2009 and taken cognizance as C.C.532 of 2010. When the case was posted for cross examination of P.W.13 and P.W.14 on 13.10.2017, the accused petitioner could not cross examine the witnesses since their counsel was out of station.

3. The trial Court, considering the fact that the witnesses sought to be recalled hail out side Tamil Nadu and had come to Court on summons being served on them to give evidence but not examined by the petitioner, ordered the petition to recall them on condition to pay a sum of Rs.3,000/- and Rs.1,500/- respectively.

4. Considering the facts of the case, the period of pendency, place of the witnesses residence, their age and relative hardship this Court finds no error in the order. Hence, the criminal original petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

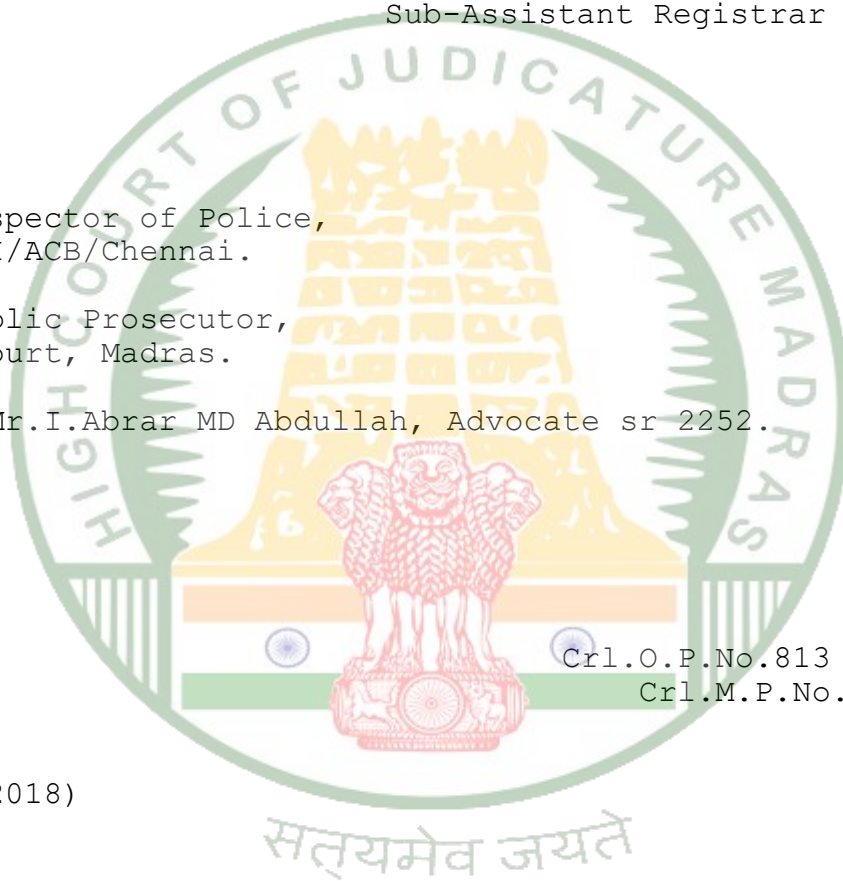
AT

To

1. The Inspector of Police,
SPE/CBI/ACB/Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.I.Abrar MD Abdullah, Advocate sr 2252.



Crl.O.P.No.813 of 2018 and
Crl.M.P.No.272 of 2018

BR(CO)
SP(15/02/2018)

WEB COPY