

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.3363 of 2018

Mani

.. Petitioner

Vs.

The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai - 600 023.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.4465 of 2017 in C.C.No.4354 of 2012 dated 28.11.2017.

For Petitioner : Mr.X.Gerard

For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)

O R D E R

The Petitioner's request to recall and cross examination of P.W.1, P.W.2, P.W.7 and P.W.8 under Section 311 of Code of Criminal Procedure was rejected on the ground that the petitioner has not stated any reasons for further cross

examination of P.W.1, P.W.2, P.W.7 and P.W.8 and did not exercise the option of cross examination when the P.W.1, P.W.2, P.W.7 and P.W.8 were not present. Challenging the same, the present petition is filed.

2. It is true that the Hon'ble Supreme Court in various cases condemned the practices of vexatious applications filed under Section 311 of Cr.P.C to protract the proceedings.

3. Nevertheless, the learned counsel for the petitioner submitted that the petitioner may be given an opportunity for cross examining the prosecution witness P.W.1, P.W.2, P.W.7 and P.W.8 to prove that the allegation of the respondent in the complaint is false.

4. In view of the submissions made by the petitioner, by giving another opportunity to cross examine the prosecution witness P.W.1, P.W.2, P.W.7 and P.W.8, by fixing the time frame for completing the cross examination will not cause prejudice to the prosecution and by fixing such time frame, the proceedings may not get unjustifiably prolonged.

5. Hence the order passed in Crl.M.P.No.4465 of 2017 in C.C.No.4354 of 2012, dated 28.11.2017 by the learned V Metropolitan Magistrate, Egmore, Chennai is set aside. Consequently, the learned V Metropolitan Magistrate, Egmore, Chennai, is directed to permit the petitioner to recall and cross examine P.W.1, P.W.2, P.W.7 and P.W.8 on 07.03.2018 & 08.03.2018. It is made clear that the petitioner shall complete the cross examination on the same day.

With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai - 600 023.
3. The Public Prosecutor,
High Court, Madras.

GN(26/02/2018)

CRL.O.P.No.3363 of 2018

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