

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.3687 of 2018

Ammu @ Narmadha

...Petitioner/3rd Accused

Vs

1.State Represented by its:
The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai.

2.Hari Babu

3.Vasantha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order passed in CrI.M.P.No.3989 of 2015 in S.C.No.59 of 2012 dated 01.10.2015 on the file of the Sessions Judge, Mahila Court, Chennai.

For Petitioner : Mr.M.Mohana raj

For Respondent 1 : Mrs.Krithika kamal.P
Government Advocate (Crl. Side)

For Respondent 2 & 3: No Appearance

ORDER

The Petitioner's request to recall and cross examination of P.W.Nos.1 to 22 under Section 311 of Code of Criminal Procedure were rejected on the ground that the petitioner has not stated any reasons for further cross examination of P.W.Nos.1 to 22 and did not exercise the option of cross examination when the P.W.Nos. 1 to 22 were 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 witnesses P.W.No.1 to prove his innocence.

4. In view of the submissions made by the petitioner and by giving another opportunity to cross examine the prosecution witnesses P.W.No.1 by fixing the time frame for completing the cross examination, will not cause prejudice to the prosecution and the proceedings may not get unjustifiably prolonged.

5. Hence the order passed in CrI.M.P.No.3989 of 2015 in S.C.No.59 of 2012 dated 01.10.2015 on the file of the Sessions Judge, Mahila Court, Chennai. is set aside. Consequently, the learned Sessions Judge, Mahila Court, Chennai, is directed to permit the petitioner to recall and cross examine P.W.No.1 alone on 22.02.2018. 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.

Index:yes/no
Internet:yes/no
Speaking order/ Non speaking order
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Note: Issue order copy on 20.02.2018

15.02.2018

सत्यमेव जयते

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M.S. RAMESH.J.,
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To

- 1.The Sessions Judge, Mahila Court, Chennai
- 2.The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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