



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1654 of 2018

K.Murugan

.. Petitioner

Vs.

State by
Rep by its, Inspector of Police,
NIB - CID,
Coimbatore.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.M.P.No.897/2017 in C.C.No.77/2017 in Cr.No.99/2016 on the file of the learned Essential Commodities and Special Judge, Coimbatore District in so far as this petitioner is concerned and set aside the impugned order in C.M.P.No.897 of 2017 in C.C.No.77 of 2017.

For Petitioner : M/s.M.Senthamizh Selvan

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 to P.W.4 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 to P.W.4 and did not exercise the option of cross examination when the P.W.1 to P.W.4 was 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 PW1 to P.W.4 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 to P.W.4, 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 CMP No.897 of 2017 in C.C.No. 77 of 2017, dated 04.01.2018 by the learned Essential Commodities and Special Judge, Coimbatore District is set aside. Consequently, the learned Essential Commodities and Special Judge, Coimbatore District, is directed to permit the petitioner to recall and cross examine P.W.1 to P.W.4 on 29.01.2018. 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/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge,
Essential and Special Court,
Coimbatore
2. The Inspector of Police,
NIB - CID,
Coimbatore.

+1cc to Mr.R.J.Yoga Anandhi, Advocate, S.R.No.4518

CRL.O.P.No.1654 of 2018

cs/25/01/18