

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 15.02.2018****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.22546 of 2017**

Silambarasan

.. Petitioner

Vs.

The Inspector of Police,
K2-Ayanavaram Police Station, Chennai.
(Crime No.324 / 2014)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Crl.M.P.No.2506 of 2016 in C.C.No.1934 of 2015 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and to set aside the same.

For Petitioner : Mr.P.K.Ilavarasan

For respondent : Mrs.P.Kritika Kamal(Crl Side)

सत्यमेव जयते

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The Petitioner's request to recall and cross examination of PW1 and PW2 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 PW1 and PW2 and did not exercise the option of cross examination when the PW1 and PW2 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 witness PW1 and PW 2 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 PW1 and PW2, 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. 2506 of 2016 in C.C.No. 1934 of 2015, dated 04.10.2016 by the learned V Metropolitan Magistrate, Egmore is set aside. Consequently, the learned V Metropolitan Magistrate, Egmore is directed to permit the petitioner to

recall and cross examine PW1 and PW2 on 27.02.2018. 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. Consequently, the connected Miscellaneous Petition is also closed.

15.02.2018

Index : Yes/No
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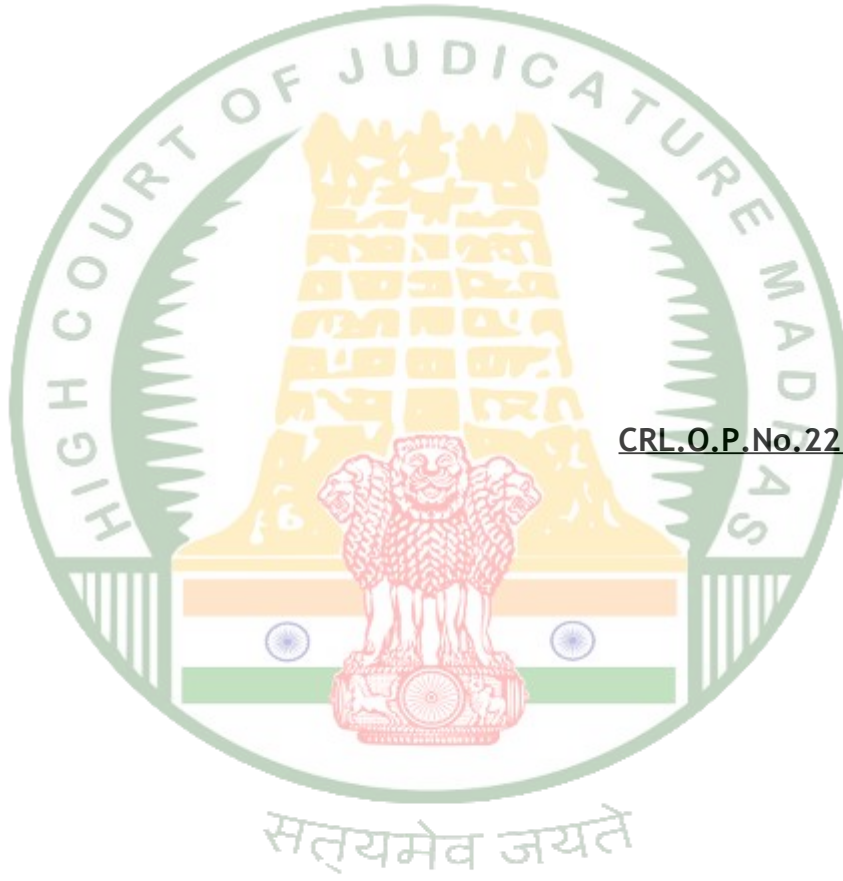
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M.S. RAMESH.J.,

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