

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 02.02.2018****CORAM****THE HONOURABLE MR. JUSTICE M.S. RAMESH****CRL.O.P.No.23397 of 2017****and****CRL.M.P.No.13622 of 2017**

Selvendran

... Petitioner

Vs.

State by
Inspector of Police,
K.4, Anna Nagar Police Station,
Anna Nagar,
Chennai-600 040.
Crime No.569 of 2015

... Respondent

Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C. praying to call for the records and may be pleased to set aside the order passed by the learned V Metropolitan Magistrate, Egmore at Allikulam Chennai, made in Crl.M.P.No.2258 of 2017 in C.C.No.2453 of 2015, by order dated 19.07.2017, and may be pleased to enable the petitioner to cross examine PW.1 to PW.9 for the reasons stated above.

For Petitioner :

Mr.K.Muthukannian

For Respondent :

Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

The Petitioner's request to recall and cross examination of PW1 to PW9, 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 to PW9 and did not exercise the option of cross examination when the PW1 to PW9 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 PW1 to PW4, PW8 and PW9 to prove his innocence.

4 In view of the submissions made by the learned counsel for the petitioner and by giving another opportunity to cross examine the prosecution witnesses PW1 to PW4, PW8 and PW9 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 CMP No.2258 of 2017 in C.C.No.2435 of 2015 in Crime No.569 of 2015 by the learned V Metropolitan Magistrate, Egmore at Allikulam, Chennai, is set aside. Consequently, the learned V Metropolitan Magistrate, Egmore at Allikulam, Chennai, is directed to permit the petitioner herein to recall and cross examine PW1 to PW4, PW8 and PW9 on 08.02.2018 and 09.02.2018. It is made clear that the petitioner shall complete the cross examination on the above said days itself.

6 With the above observations and directions, the Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

02.02.2018

Internet:Yes/No

Index:Yes/No

Note: Issue order copy on 06.02.2018

nmm

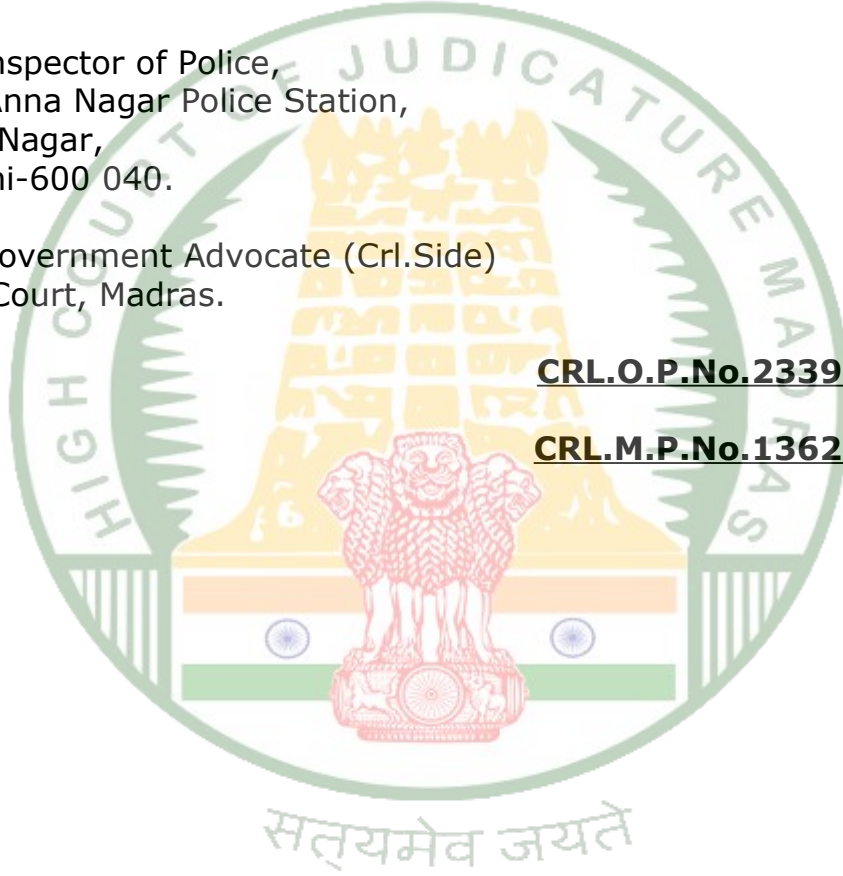
M.S.RAMESH.J.,

nmm

To

1. The learned V Metropolitan Magistrate,
Egmore, Allikulam,
Chennai.
2. The Inspector of Police,
K.4, Anna Nagar Police Station,
Anna Nagar,
Chennai-600 040.
3. The Government Advocate (Crl.Side)
High Court, Madras.

CRL.O.P.No.23397 of 2017
and
CRL.M.P.No.13622 of 2017



WEB COPY

02.02.2018