

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 2195 of 2018
and Cr.MP. No.851 of 2018

Velmurugan

.. Petitioner

Vs.

The State Represented through
The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District
(Crime No.7 of 2015)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 11.12.2017 passed in Crl.MP. No.659 of 2017 in Special C.C. No.51 of 2015 on the file of Sessions Judge (Fast Track Mahila Court), Namakkal and allow the Criminal Original Petition.

For Petitioner : Mr.C.Prabakaran

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

ORDER

The Petitioner's request to recall and cross examination of PW12 under Section 311 of Code of Criminal Procedure was considered by the learned Sessions Judge, Fast Track Mahila Court, Namakkal and rejected on the ground that the petitioner has not stated any reasons and did not exercise the option of cross examination when they 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 PW.12 to prove his innocence.

4. In view of the submissions made by the petitioner and by giving another opportunity to cross examine the prosecution witness PW12 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 Crl.MP. No.659 of 2017 in Special C.C. No.51 of 2015 on the file of Sessions Judge (Fast Track Mahila Court), Namakkal, is set aside. Consequently, the learned Sessions Judge (Fast Track Mahila Court), Namakkal, is directed to permit the petitioner to recall and cross examine P.W.12 on 20.02.2018. 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 closed.

12.02.2018

Index : Yes/No

Internet : Yes/No

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Note : Issue order copy on 15.02.2018

To

1. The Sessions Judge (Fast Track Mahila Court),
Namakkal
2. The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District
3. The Public Prosecutor,
High Court, Madras.

M.S. RAMESH.J.,

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CrI.O.P.No. 2195 of 2018
and Cr.MP. No. 851 of 2018

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