

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28345 of 2017 and
Crl. M.P. No.16094 of 2017

D. Karthik ... Petitioner / Accused

Vs.

State rep by
The Inspector of Police.

W-22, All Women Police Station,
Mylapore, Chennai

... Respondent / Complainant

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the dismissal order in Crl. M.P. No.13668 of 2017 in S.C. No.249 of 2016, dated 14.10.2017 passed by the Learned Mahila Court, Chennai.

For Petitioner : Mr. R. M. Meenakshi Sundaram

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

O R D E R

The Petitioner's request to recall and cross examination of PW1 to PW4, 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 PW4 and did not exercise the option of cross examination when the PW1 to PW4 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 PW4 alone 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 PW4 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.13668 of 2017 in S.C.No.249 of 2016 by the learned Sessions Judge, Mahila Court, Chennai, is set aside. Consequently, the learned Sessions Judge, Mahila Court, Chennai, is directed to permit the petitioner herein to recall and cross examine PW4 alone on 20.02.2018. It is made clear that the petitioner shall complete the cross examination on the above said day itself.

6 In the result, the Criminal Original Petition is ordered with the above observations and directions. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

lbm

To:

1. The Sessions Judge, Mahila Court,
Chennai
2. The Inspector of Police,
W-22, All Woman Police Station
Mylapore, Chennai.
3. The Government Advocate (Crl.Side)
High Court, Madras.

+1cc to Mr.D.Uma Shankar, Advocate, S.R.No.9831

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EV(CO)
RRK(14/02/2018)