

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.29454 of 2017

Yuvaraj

.. Petitioner

Vs.

The Inspector of Police,
W-16, AWPS,
Pulianthope Police Station,
Chennai.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed by the learned Mahila Sessions Court at Chennai in Crl.M.P. No.19262 of 2017 in S.c. No. 377 of 2014 dated 08.12.2017.

For Petitioner : M/s.K.Thenrajan

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 PW1 to PW3 under Section 311 of Code of Criminal Procedure was rejected on the ground that the petitioner has filed petition after a long delay and had not stated any acceptable reason for the delay and did not exercise the option of cross examination when the PW1 to PW3 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 to PW3 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 to PW3, 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. 19262 of 2017 in S.C.No. 377 of 2014, dated 08.12.2017 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 to recall and cross examine PW1 to PW3 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/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1. The Inspector of Police,
W-16, AWPS,
Pulianthope Police Station,
Chennai.
2. The Sessions Judge,
Mahila Court Chennai.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.K.Then Rajan, Advocate, S.R.No.3061

NRK(CO)

RRK(19/01/2018)

CRL.O.P.No.29454 of 2017

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