

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2018

CORAM

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

Crl.O.P.No.13440 of 2018

Senthil Kumar

... Petitioner/Accused

Vs

State rep. by

The Inspector of Police,
C.B.C.I.D., Coimbatore,
Coimbatore District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Chief Judicial Magistrate, Tiruppur to recall P.W.18 for the purpose of cross examination in C.C.No.33 of 2013.

For Petitioner : Mr.B.Nambi Selvan

For Respondent : Mrs.P.Kritika Kamal
Govt. Advocate [Crl.Side]

O R D E R

This petition has been filed to recall P.W.18 for the purpose of cross examination in C.C.No.33 of 2013 on the file of the learned Chief Judicial Magistrate, Tiruppur.

2. It is represented by the learned counsel appearing for the petitioner that the petitioner had filed a petition in CMP.No.1234 of 2016 in C.C.No.33 of 2013, before the learned Chief Judicial Magistrate, Tiruppur, to recall P.W.18 for the purpose of cross-examination but the same was dismissed on 06.03.2017. The learned counsel for the petitioner would further submit that all the wittiness were examined and only P.W.18 has to be recalled and cross-examined.

3. It is seen from the records that, this case is of the year 2013. However, in the petition, there is no date, as to when P.W.18 was chief examined before the trial Court and what is the delay caused on the side of the petitioner has also not been stated.

4. However, The learned counsel Government Advocate (Crl. Side) appearing for the respondent would submit that the respondent police is ready to procure P.W.18 of the purpose of cross-examination on 16.05.2018.

5. In view of the submission made by the learned counsel for the petitioner and also the undertaking given by the respondent police for production of P.W.18 on 16.05.2018, to proceed with the case, this petition is allowed on payment of cost of Rs.2,000/- (Rupees two thousand only) to be paid by the petitioner to the complainant/PW.1, in this case. The petitioner is also directed to complete the cross-examination on the same day, failing which, the trial Court shall proceed with the case in accordance with law.

6. With the above directions, the criminal original petition is ordered.

Sd/-

Assistant Registrar(Comp)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Chief Judicial Magistrate,
Tiruppur

2. The Inspector of Police,
C.B.C.I.D., Coimbatore,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Nambi Selvam, Advocate, S.R.No.33457

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SJ(CO)

SP(15/05/2018)