

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1428 of 2018

Vijayakumar

.. Petitioner

Vs.

The Inspector of Police,
Palladam Police Station,
Tirupur, Tirupur District.
(Crime No.2301 of 2010)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside order in Crl.M.P.No.475 of 2017 in SC.No.78 of 2016 dated 14.12.2017 on the file of the learned Magalir Neethimandram, Tirupur and direct to recall the prosecution witnesses P.W.1 to P.W.4 and P.W.10.

For Petitioner : M/s.O.Selvam

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 P.W.1, P.W.2, P.W.3, P.W.4 and P.W.10 under Section 311 of Code of Criminal Procedure was considered by the learned Sessions Judge, (Fast Track Mahila Court), Tiruppur was 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 P.W.2 and P.W.10 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 P.W.2 and P.W.10 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.M.P No.475 of 2017 in S.C.No.78 of 2016, dated 14.12.2017 by the learned Sessions Judge(Fast Track Mahila Court), Tiruppur, is set aside. Consequently, the learned Sessions Judge(Fast Track Mahila Court), Tiruppur, is directed to permit the petitioner to recall and cross examine P.W.2 and P.W.10 on 21.02.2018. 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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Palladam Police Station,
Tirupur, Tirupur District.
2. The Public Prosecutor,
High Court, Madras.
3. The Sessions Judge (fast Track Mahila Court)
Tiruppur.

+1cc to Mr.O.Selvam, Advocate, S.R.No.11040

+1cc to Mr.O.Selvam, Advocate, S.R.No.11040(04/06/18)

CRL.O.P.No.1428 of 2018

RK(CO)

RRK(20/02/2018)