

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1745 of 2018
and Crl.MP. No.668 of 2018

1. Senthamarai
2. Indira
3. Rajeev Gandhi
4. Tamilselvan .. Petitioners/Accused

Vs.

The Station House Officer,
Kadampuliyur Police Station,
Cuddalore District. ..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed in CMP. NO. 2341 of 2017 in C.C. No. 82 of 2014 dated 25.10.2017 by the learned Judicial Magistrate No.II, Panruti and allow the same.

For Petitioner : Mr.J.Karthikeyan
For Respondent : Mrs. Kritika Kamal.P
Government Advocate (Crl.Side)

O R D E R

The Petitioners' request to recall and cross examination of PW1, PW2, PW3, PW6 and PW7 under Section 311 of Code of Criminal Procedure was rejected by the learned Judicial Magistrate No.II, Panruti in CMP. No. 234 of 2017, dated 25.10.2017. Challenging the same, the present petition is filed.

2. Heard both sides.

3. I do not find any infirmity in the order of the trial court. Nevertheless, the learned counsel for the petitioners submitted that he has been deprived of the opportunity to cross examine all these witnesses and that the counsel was out of station when the matter was posted for cross examination of PW1, PW2, PW3, PW6 and PW7.

4. The learned Government Advocate (Crl.Side) opposed the submissions of the learned counsel for the petitioners stating that the trial has completed and the matter is posted for arguments on 02.02.2018.

5. In my considered view, if the petitioners are permitted to cross examine these witnesses before 02.02.2018 and enable the lower Court to get along with the arguments on 02.02.2018, the ends of justice would be met.

6. In the result, the order passed in CMP. No.2341 of 2017 in C.C. No. 82 of 2014, dated 25.10.2017 by the learned Judicial Magistrate No.II, Panruti is set aside. Consequently, the petitioners are permitted to cross examine the PW1, PW2, PW3, PW6 and PW7 on 29.01.2018 and 30.01.2018.

7. It is further observed that no further time will be granted to the petitioner and after completion of the cross examination, the case shall proceed with the arguments scheduled on 02.02.2018.

With the above observations and directions, the Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To
The Station House Officer,
Kadampuliyur Police Station,
Cuddalore District.

+1 cc to Mr.J.karthikeyan Advocate sr 4772

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