

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.4810 of 2018

P.B.Gowtham Shankar

.. Petitioner

Vs.

E.R.Kanimozhi

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order in Crl.M.P.No. 2132 of 2017 in D.V.C.No.53 of 2016 dated 22.01.2018 by the learned Additional Mahila Court, Egmore, Chennai and consequential to recall the witness P.W.1 in the above case.

For Petitioner : M/s.R.Rajesh Vivekananthan

For Respondent :

O R D E R

The Petitioner's request to recall and cross examination of PW1 under Section 311 of Code of Criminal Procedure and was rejected by the learned Additional Mahila Court, Egmore, Chennai on the ground that the petitioner has not stated any valid reasons and did not exercise the option of cross examination when the PW1 was 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 PW.1 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 PW1 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 CMP No. 2132 of 2017 in D.V.C.No. 53 of 2016, dated 22.01.2018 by the learned Additional Mahila Court, Egmore, Chennai, is set aside. Consequently, the learned Additional Mahila Court, Egmore, Chennai, is directed to permit the petitioner to recall and cross examine P.W.1 on 06.03.2018. 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

ak

To

The Additional Mahila Court, Egmore, Chennai

+1cc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No.12438

CRL.O.P.No. 4810 of 2018

RRK(26/02/2018)

सत्यमेव जयते

WEB COPY