

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26976 of 2017
and
Crl.M.P.Nos.15491 & 15492 of 2017 & 4103 of 2018

Nathiya

.. Petitioner

Vs.

S.Prema

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in Crl.M.P.No.6810 of 2017 in C.C.No.757 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai -600 001 and set aside the order dated 06.11.2017 as illegal.

For Petitioner : M/s.R.Ganesh Babu
For Respondent : Mr.Rameshkumar Chopra

O R D E R

The Petitioner's request to recall and cross examination of P.W.1 under Section 311 of Code of Criminal Procedure was rejected by the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai -600 001 in Crl.M.P.No.6810 of 2017 in C.C.No.757 of 2016 on 06.11.2017. 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.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 P.W.1 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 dated 06.11.2017 passed in CrI.M.P.No.6810 of 2017 in C.C.No.757 of 2016 by the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai is set aside. Consequently, the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai is directed to permit the petitioner to recall and cross examine P.W.1 on 02.04.2018. It is made clear that the petitioner shall complete the cross examination on the same day itself.

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

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Metropolitan Magistrate, Fast Track Court - IV,
George Town, Chennai
- 2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ganesh Babu, Advocate SR.No.20789

CrI.O.P.No.26976 of 2017 &
CrI.M.P.Nos.15491 & 15492 of 2017 &
4103 of 2018

GN(04/04/2018)