

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25709 of 2018

and

CRL.M.P.No.14683 of 2018

Govindan @ Quarter Govindan

..Petitioner

Vs.

State Rep. By
Inspector of Police,
Kangeyam Police Station.

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Principal District Judge, Tiruppur to permit the petitioner to examine the witnesses P.Ws.1 to 10 in Cross as per the order in Crl.M.P.No.1231 of 2018 passed by the learned Principal District Judge, Tiruppur in the case in Spl.S.C.No.10 of 2017 on the file of the learned Principal District Judge, Tiruppur.

For Petitioner : Ms.D.Geetha

For Respondent : Ms.M.Prabhavathi,

Additional Public Prosecutor

ORDER

This petition is filed for a direction to the learned Principal District Judge, Tiruppur to permit the petitioner to examine the witnesses P.Ws.1 to 10 in Cross as per the order in Crl.M.P.No.1231 of 2018 passed by the learned Principal District Judge, Tiruppur in the case in Spl.S.C.No.10 of 2017.

2.The petitioner is the accused in Spl.S.C.No.10 of 2017. The prosecution examined P.W.1, P.W.9 to P.W.11. The accused did not chose to cross-examine the said witnesses on the day they were examined in chief. Thereafter, the accused filed Crl.M.P.No.1231 of 2018 under Section 311 Cr.P.C to recall P.W.1, P.W.9 to P.W.11 for cross-examination, which was allowed by the Trial Court by the order dated 11.08.2018, on condition that the petitioner should pay a cost of Rs.2,500/- to each of the witnesses directly whenever they come to give evidence.

3.Accordingly, on 21.08.2018, P.W.1, P.W.9 and P.W.10 appeared before the Court for cross-examination. The petitioner cross-examined only P.W.9 and he was not permitted

to cross-examine P.W.1 and P.W.10, because, he did not pay the cost of Rs.2,500/-. Under such circumstances, the petitioner is before this Court with the above prayer.

4.Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

5.The learned counsel for the petitioner submitted that the petitioner is a poor person and he did not expect three witnesses to turn up on 21.08.2018 and therefore, he was not prepared with the cost. Therefore, the learned counsel for the petitioner submitted that one more opportunity may be given to the petitioner by recalling P.W.1 and P.W.10.

6.It is seen that the order in Crl.M.P.No.1231 of 2018 was passed on 11.08.2018. The Trial Court had directed the petitioner to pay the process for the issuance of summons to the witnesses. Accordingly, the petitioner paid the process and only thereafter, the witnesses were summoned to appear before the Trial Court on 21.08.2018. Therefore, the petitioner cannot be heard to say that he was not aware that three witnesses will be brought to the Court on 21.08.2018, because it was he who paid the process based on which the three witnesses were summoned. Hence, this Court does not find any infirmity in the order passed by the Trial Court warranting interference.

In the result, this petition is devoid of merits and dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

To

1.The Principal District Judge, Tiruppur.

2.The Inspector of Police,
The State of Tamil Nadu,
Kangayam Police Station.

3.The Public Prosecutor, High Court, Madras.

+1cc to M/s.D.Geetha, Advocate SR.No.75754

KR/23/11/18

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