

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.29338 of 2018

M.Kuppusamy

.. Petitioner

versus

The State represented by
Inspector of Police,
Vigilance and Anti-Corruption,
Kancheepuram.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 22.10.2018 passed by the learned Chief Judicial Magistrate, Chengalpattu in C.M.P.No.1136 of 2018 in Spl.C.C.No.5 of 2014.

For Petitioner : Mr.G.Appavu

For Respondent : Mr.R.Ravichandran
Government Advocate [Crl. Side]

O R D E R

The present Criminal Original Petition has been filed to set aside the order dated 22.10.2018 made in C.M.P.No.1136 of 2018 in Spl.C.C.No.5 of 2014 on the file of the learned Chief Judicial Magistrate, Chengalpattu.

2. It is the case of the petitioner [A-2] that he is facing trial before the learned Chief Judicial Magistrate, Chengalpattu in Spl.C.C.No.5 of 2014 for the alleged offences punishable under Sections 7 and 13(2) r/w 3(1)(d) of the Prevention of Corruption Act, 1988 and Section 109 IPC. During the course of trial, he filed a petition in C.M.P.No.1136 of 2018 under Section 311 Cr.P.C. seeking to cross examine the Prosecution Witnesses. However, the said petition was dismissed by the Chief Judicial Magistrate, Chengalpattu, by the order impugned herein. Challenging the same, the petitioner has come up with the present petition.

3. The learned counsel appearing for the petitioner would submit that since the petitioner did not get the necessary documents, he could not cross examine the Prosecution Witnesses. However, without considering the same, the learned Magistrate dismissed the said Petition. He would further submit that unless the petitioner cross examine the Prosecution Witnesses, there will be great prejudice to the petitioner and accordingly, he prayed to allow the Petition.

4. The learned Government Advocate [Crl. Side] appearing for the State would submit that till date the petitioner has not cross examined the Prosecution Witnesses. He would further submit that this Court may fix a date for cross examination of the Prosecution Witnesses by the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate [Crl. Side] appearing for the respondent.

6. It is seen that in an earlier occasion, this Court directed the Court below to complete the trial, within a period of 6 months and the said period is lapsed. However, in the interest of justice, this Court is inclined to fix the date for two days i.e. 20.12.2018 and 21.12.2018 to cross examine the Prosecution Witnesses by the petitioner.

7. Accordingly, the order of learned Chief Judicial Magistrate, Chengalpattu, dated 22.10.2018 made in C.M.P.No.1136 of 2018 in Spl.C.C.No.5 of 2014 is set aside and the petitioner is permitted to re-call the Prosecution Witnesses on the following conditions:-

(i) The learned counsel appearing for the petitioner undertakes to cross examine the Prosecution Witness on 20.12.2018 and 21.12.2018 and no further time will be granted.

(ii) The respondent is directed to produce the Prosecution Witnesses for two days i.e. 20.12.2018 and 21.12.2018 before the learned Chief Judicial Magistrate, Chengalpattu, for cross examination.

(iii) The petitioner is directed to complete the cross examination on 20.12.2018 and 21.12.2018, failing which, the learned Chief Judicial Magistrate, Chengalpattu, shall proceed the matter and pass appropriate orders, on merits and in accordance with law, as directed by this Court.

8. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

sri

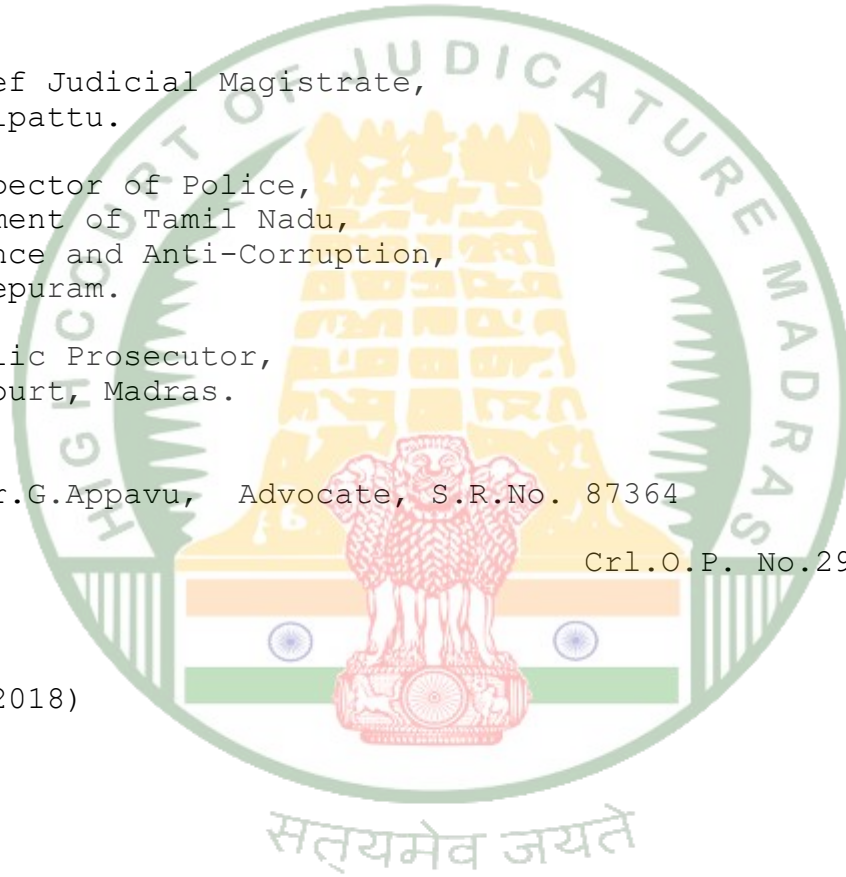
To

- 1.The Chief Judicial Magistrate,
Chengalpattu.
- 2.The Inspector of Police,
Government of Tamil Nadu,
Vigilance and Anti-Corruption,
Kancheepuram.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Appavu, Advocate, S.R.No. 87364

Cr1.O.P. No.29338 of 2018

NM(CO)
GN(18/12/2018)



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