



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2018

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Crl.O.P.No.30511 of 2018
and Crl.M.P.No.17967 of 2017

Venu @ Venugopal

... Petitioner/Accused

Vs

The State Rep by,
The Station house officer,
Valavanur Police Station,
Villupuram District.

... Respondent/Complainant

This Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to set aside the order passed in Crl.M.P.No.708 of 2018, order dated 30.11.2018 pending on the file of the Additional District Judge(Fast Track Court), Villupuram and direct the trial judge to allow the petition filed under Section 311 of Cr.P.C.

For Petitioner : Mr.V.Govardhanan

For Respondent : Mr.T.Shanmuga Rajeswaran
Government Advocate

O R D E R

This petition has been filed to set aside the order passed in Crl.M.P.No.708 of 2018, order dated 30.11.2018 pending on the file of the Additional District Judge(Fast Track Court), Villupuram and direct the trial judge to allow the petition filed under Section 311 of Cr.P.C.

2. The learned counsel for the petitioner submits that A4 did not cross examine the prosecution, since he was not able to give instructions due to ill health to the counsel to cross examine. Therefore, when the time was granted by the learned Additional District Judge (Fast Track Court), Villupuram, but the counsel was not able to cross examine. Under these circumstances, Crl.M.P.No.708 of 2018 was filed before the learned District Additional District Judge, Villupuram. After hearing the both parties elaborately, the same was dismissed stating that it is settled position of law that once the witness was examined in chief and cross-examined fully such witness



should not have been recalled and re examined to deny the evidence he had already given before this Court. Hence, the present petition has been filed.

3. However when the matter came up for hearing, the learned Government Advocate submitted that time limit may be fixed.

4. Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate, this Court is inclined to allow the petition. Accordingly, the order passed in Crl.M.P.No.708 of 2018, order dated 30.11.2018 pending on the file of the Additional District Judge(Fast Track Court), Villupuram is set aside and the trial judge is directed to allow the petition filed under Section 311 of Cr.P.C.

5. This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Additional District Judge
Fast Track Court, Villupuram.
2. The Station House officer
Valavanur Police Station, Villupuram.
3. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.V.Govardhanan, Advocate sr 90049.

Crl.O.P.No.30511 of 2018

SJ(CO)
SP(24/01/2019)