



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.4632 of 2018

and

Crl.M.P.(MD)No.2274 of 2018

Arjunan

... Petitioner/Accused No.4

Vs.

State Rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanthapuram,
Ramanathapuram District.
(Crime No.175/2013)

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.M.P.No.60 of 2018 in S.C.No.127 of 2016 on the file of the Additional District and Sessions Court, Ramanathapuram and set aside the order dated 16.03.2018.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.Prabhu Ramachandran
Government Advocate (Crl. Side)

ORDER

The petitioner is figuring as the fourth accused in S.C.No.127 of 2016 on the file of the Additional District and Sessions Court, Ramanathapuram. The petitioner wanted to recall P.Ws.3 and 12. The said request was rejected by the learned Trial Judge. Questioning the same, this Criminal Original Petition has been filed.

2.The observation made by the learned Trial Judge are fully correct and justifiable. However, in the interest of justice, this Court is of the view that one more opportunity can be given to the petitioner. Therefore, the said witnesses can be permitted to be recalled for cross-examination. Hence, the impugned order dated 16.03.2018 passed in Cr.M.P.No.60 of 2018 is set aside and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed. It is made clear that the cross-examination shall be done when the witnesses appear before the Trial Court. As rightly observed by the learned Trial Judge, the



witnesses sought to be recalled were examined at length and therefore, it is further made clear that the cross-examination should not spillover for more than one hearing.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Additional District and Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Kenikarai Police Station,
Ramanthapuram,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.Murugan, Advocate SR.No. 61248

Cr1.O.P. (MD) No.4632 of 2018
13.04.2018

smn2
JM/SV MMS/SAR 2/04.05.2018/2P/5C