



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.7088 of 2018
and
CRL.MP(MD)No.3384 of 2018

1.Raja
2.Ananthan Konar
3.Pasupathi

... Petitioners / Accused Nos.1 to 3

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
(Crime No.20 of 2011)

... Respondent/ Complainant

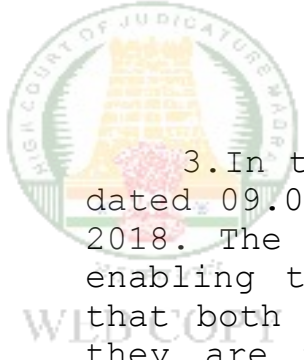
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1108 of 2018 in C.C.No.207 of 2012 dated 09.03.2018 by the learned Judicial Magistrate, Uthamapalayam and set aside the same by allowing this Criminal Original Petition.

For Petitioners : Mr.B.Rajesh Saravanan
For Respondent : Mr.Prabhu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the accused Nos.1 to 3, to call for the records pertaining to the order passed in Cr.M.P.No.1108 of 2018 in C.C.No.207 of 2012 dated 09.03.2018 by the learned Judicial Magistrate, Uthamapalayam and set aside the same.

2.The learned counsel for the petitioner submits that PW.5 and PW.6 were examined to be cross examined, when they deposed before the Court. Since they are key witnesses, their cross examination is absolutely necessary.



3. In the interest of justice, this Court sets aside the order dated 09.03.2018, passed by the trial court in Cr.M.P.No.1108 of 2018. The prosecution witnesses 5 and 6 shall stand recalled for enabling the petitioner to cross examine them. It is made clear that both witnesses shall be cross examined on the same day when they are produced without dragging on the proceedings. If the petitioners adopts any delaying tactics, it is not necessary for the trial court to cause their production once again. Subject to these conditions, this Criminal Original Petition is allowed. Consequently, connected CRL.MP(MD)No. 3384 of 2018, is closed.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Uthamapalayam.
2. The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1.CC to Mr.B.Rajesh Saravanan Advocate SR.No.64358

Das/msa

MV:RSK-SKN:SAR4:23/05/2018/2P/5C

CRL.O.P.(MD)No.7088 of 2018

and

CRL.MP(MD)No.3384 of 2018

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