



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.6948 of 2018

and

CRL.MP(MD)No.3299 of 2018

Ammasi

... Petitioner / Accused No.1

-vs-

State represented by
The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

... Respondent/ Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crl.MP.No.457 of 2017 dated 28.03.2018 in Sessions Case No.32 of 2013, on the file of the learned Additional Assistant Session Court, Tenkasi and set aside the same.

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

ORDER

This Criminal Original Petition has been filed by the accused No.1, aggrieved by the dismissal of the application filed under Section 311 of Cr.P.C, for recalling the witnesses PW.5 and PW.6.

2.The learned counsel for the petitioner submits that PW.5 and PW.6 were omitted 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 28.03.2018, passed by the trial court in Cr.M.P.No.457 of 2017. 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 the petitioner is cross examined without dragging on the proceedings. If the petitioner 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.3299 of 2018, is closed.

Sd/-

Assistant Registrar(T & P)

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/True copy/

Sub Assistant Registrar

das/msa

To

1.The Additional Assistant Session Court, Tenkasi.

2.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai (Two Copies)

+1 cc to MR.S.KUMAR, Advocate SR.No.64488

CRL.O.P. (MD)No.6948 of 2018
and
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SMA/RR/SAR-1/01.06.2018:2P/7c

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