



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.6977 of 2018

Dominic Lal

... Petitioner / Petitioner/
Sole Accused

-vs-

Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.503/2010)

... Respondent/Respondent/
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order passed in C.M.P.No.786 of 2018 in C.C.No.395 of 2010 dated 02.02.2018 on the file of the Judicial Magistrate No.I., Kuzhithurai and allow this Criminal Original Petition in respect of prosecution witnesses P.W.1 to P.W.3 to enable cross examine.

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

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, to call for the records pertaining to the order passed in C.M.P.No.786 of 2018 in C.C.No.395 of 2010 dated 02.02.2018 by the learned Judicial Magistrate No.I., Kuzhithurai and set aside the same.

2.The learned counsel for the petitioner submits that PW.1 to PW.3 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 02.02.2018, passed by the trial court in C.M.P.No.786 of 2018. The prosecution witnesses 1 to 3 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.

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Sd/-

Assistant Registrar (P&A)

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I., Kuzhithurai.

2. Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

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

+1CC to Mr.S.Sivakumar, Advocate in SR.No.64376.

DSA/MSA

DS/KKR/SAR-2 :15.05.2018: 2P/5C

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