

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.1155 OF 2019

AND

CRL.M.P.NO.756 OF 2019

1.Karnan
2.Kalimuthu

... Petitioners

Vs.

State Represented by,
The Inspector of Police,
Vadavalli Police Station,
Coimbatore.

.... Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and to set aside the order dated 29.08.2018 made in C.M.P.No.8335 of 2018 in C.C.No.218 of 2015 on the file of Judicial Magistrate No.VI, Coimbatore.

For Petitioners : Mr.P.Saravana Somiyan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the court below dismissing the petition filed by the petitioners under Section 309 Cr.P.C.

2.It is seen from records that the petitioners are facing trial before the Court below for an offence under Sections 294 (b), 323, 427 and 506(ii) of IPC.

3.The prosecution had examined P.Ws.1 to 9. None of these witnesses were cross examined by the petitioners. The case was at the stage of questioning under Section 311 Cr.P.C. At that stage, an application was filed under Section 311 Cr.P.C to recall P.Ws.1 to 9 for cross examination. This application was allowed by the Court below by imposing cost of Rs.1000/-. The case was posted on 13.08.2018 and P.Ws.1 to 5 were present

before the Court. However, they were not cross examined. Again case was posted on 29.08.2018 and P.Ws.1, 2 and 6 were present. Again these witnesses were not cross examined. The petitioners filed a petition seeking for adjournment.

4.The Court below dismissed the adjournment petition filed by the petitioners on the ground that there were no sufficient reasons given by the petitioners for not cross examining the witnesses on the date of their appearance and in spite of the recall petition allowed by the Court below. The Court below also gave a specific finding that sufficient opportunity has been given to the petitioner and the petitioners are only attempting to drag on the proceedings which commenced in the year 2015.

5.This Court does not find any illegality or infirmity in the order passed by the Court below. The petitioners having given sufficient opportunity, do not seem to be serious in proceeding further with the case and attempts are only being made to drag on the proceedings. This Court does not find any ground to interfere with the order passed by the Court below.

6.In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order. Consequently, the connected CrI.M.P.No.756 of 2019 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//
Sub Assistant Registrar

vsg1/ia

To:

1. The Judicial Magistrate No.VI, Coimbatore.
2. The Inspector of Police, Vadavalli Police Station, Coimbatore.
3. The Public Prosecutor, Madras High Court, Madras.

CrI.O.P.No.1155 of 2019

GP(Co)
CS/06/03/2019