

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4196 of 2018
and Crl.M.P.No.1933 of 2018

K.Tamilmani

... Petitioner/Accused

Vs

State by:

The Station House Officer,
Pudupettai Police Station,
Panruti Taluk,
Cuddalore District.

(Crime No.29 of 2014)

... Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to admit the petition and set aside the order dated 19.12.2017 passed in Crl.M.P.No.3107 of 2017 in C.C.No.26 of 2016 on the file of the Judicial Magistrate Court - II at Panruti, Cuddalore District.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petition has been filed challenging the order passed in Crl.M.P.No.3107 of 2017 in C.C.No.26 of 2016 dated 19.12.2017, thereby dismissing the application filed by the petitioner under Section 311 of Cr.P.C.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.It is seen that the prosecution side examined as P.W.1 to P.W.3 in chief on 22.07.2016. Thereafter, the petitioner filed a petition under Section 311 of Cr.P.C to cross examine them. Therefore, it shows that the petitioner did not cross examined as on the date of chief examination of P.W.1 to P.W.3.

4.Considering the above facts and circumstances, the petitioner may be given one more opportunity to cross examine the P.W.1 to P.W.3. Accordingly, the order dated 19.12.2017 passed in CrI.M.P.No.3107 of 2017 in C.C.No.26 of 2016 on the file of the Judicial Magistrate Court - II at Panruti, Cuddalore District is set aside. The trial Court is directed to permit the petitioner to cross examine P.W.1 to P.W.3 on the next hearing on payment of necessary charges, failing which, the trial Court is directed to proceed with the trial in accordance with law.

5.In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

rna

To

- 1.The Judicial Magistrate Court - II,
Panruti, Cuddalore District.
 2. Do Thro The Chief Judicial Magistrate
Cuddalore.
 - 2.The Station House Officer,
Pudupettai Police Station,
Panruti Taluk,
Cuddalore District.
 - 3.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.J.Pradeep, Advocate sr 19651.

CrI.O.P.No.4196 of 2018
and CrI.M.P.No.1933 of 2018

VBA(CO)
SP(29/03/2019)