

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 2915 of 2019

Syed Sikkanthar

.. Petitioner/Accused

Vs.

S.Sivaneswaran

.. Respondent/Complainant

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 03.11.2018 in Crl.M.P.No.5615 of 2018 in C.C.No.3880 of 2016 on the file of Metropolitan Magistrate FTC No.I, Egmore, Chennai-8 and allow the petitioner/accused to complete the cross examination of PW1.

For Petitioner : M/s.D.N.Dhurgasha

For Respondent : Mr.S.Sugendran

O R D E R

This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.5615 of 2018 in C.C.No.3880 of 2016 dated 03.11.2018 on the file of the Metropolitan Magistrate Fast Track Court No.I, Egmore, Chennai, thereby dismissing the petition filed by the petitioner under section 311 of Cr.P.C. to recall P.W.1.

2. The learned counsel for the petitioner would submit that the petition filed by the petitioner under Section 311 Cr.P.C in Crl.M.P.No. 5615 of 2018 to recall and cross-examine P.W.1 and the same was allowed. Due to such circumstances, the petitioner counsel has not cross examined P.W.1 on 23.08.2018. Hence, the petition.

3. This Court is of the considered view that one last chance may be given to the petitioner to recall and cross examine P.W.1.

4. Therefore, this petition is allowed and the order

passed by the Court below in Cr1.M.P.No.5615 of 2018 in C.C.No.3880 of 2016, dated 03.11.2018 is hereby set aside. This Court is directed the petitioner to cross examine P.W.1 on the date fixed by the Trial Court for cross examination and the same day when P.W.1 appears before the Court below. If for any reason, the petitioner fails to cross examine P.W.1 on the same day, the petitioner shall forfeit his right to recall P.W.1 for cross examination in future. The petitioner shall pay a necessary cost to the witness. Failing which, the learned Trial Judge is directed to proceed with the trial on merits and in accordance with law.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mpa/raja

To

1. The Metropolitan Magistrate,
Fast Track Court No.I,
Egmore, Chennai-8.

+1cc to M/s.D.N.Dhurgasha, Advocate, S.R.No.22991

Cr1.O.P.No.2915 of 2019

CP(CO)
CS/08/04/2019

सत्यमेव जयते

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