

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3434 of 2019
and Crl.M.P.No.2184 of 2019

Sekar

...Petitioner/Accused

Vs.

The Station House Office,
Kadampuliyur Police Station,
Cuddalore District
Crime No.165 of 2015

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to set aside the order made in Crl.M.P.No.3669 of 2017 in C.C.No.234 of 2015 dated 25.06.2018 on the file of the Judicial Magistrate Court No.II, Panruti.

For Petitioner : Mr.S.Vijayakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner seeking to set aside the order made in Crl.M.P.No.3669 of 2017 in C.C.No.234 of 2015 dated 25.06.2018 on the file of the Judicial Magistrate Court No.II, Panruti.

2.It is seen that the petitioner has failed to cross-examine the witnesses of PW.4 and PW.7 to PW.10 on the date of chief examination. The PW.4 was cross-examined on 01.12.2016 and the PW.7 and PW.8 were examined on 10.04.2017. Further, PW.9 and PW.10 were examined on 10.05.2017. After delay of six months, a petition to recall the said witnesses have been filed by the petitioner before the Court below and the same was dismissed by an order dated 25.06.2018. Now the case is posted on 11.02.2019 for further witnesses of prosecution.

3.Considering the above facts and circumstances, this Court is inclined to grant one more opportunity to the petitioner to cross-examine the PW.4 and PW.7 to PW.10. Therefore, the order passed by the Court below is set aside and the petitioner is permitted to cross-examine PW.4 and PW.7 to PW.10 on 11.02.2019 without fail, failing which, the learned Trial Judge is directed to proceed further with the trial in accordance with law.

4.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl/ssr

To

1.The Judicial Magistrate Court No.II, Panruti.

2.The Station House Office,
Kadampuliyur Police Station,
Cuddalore District

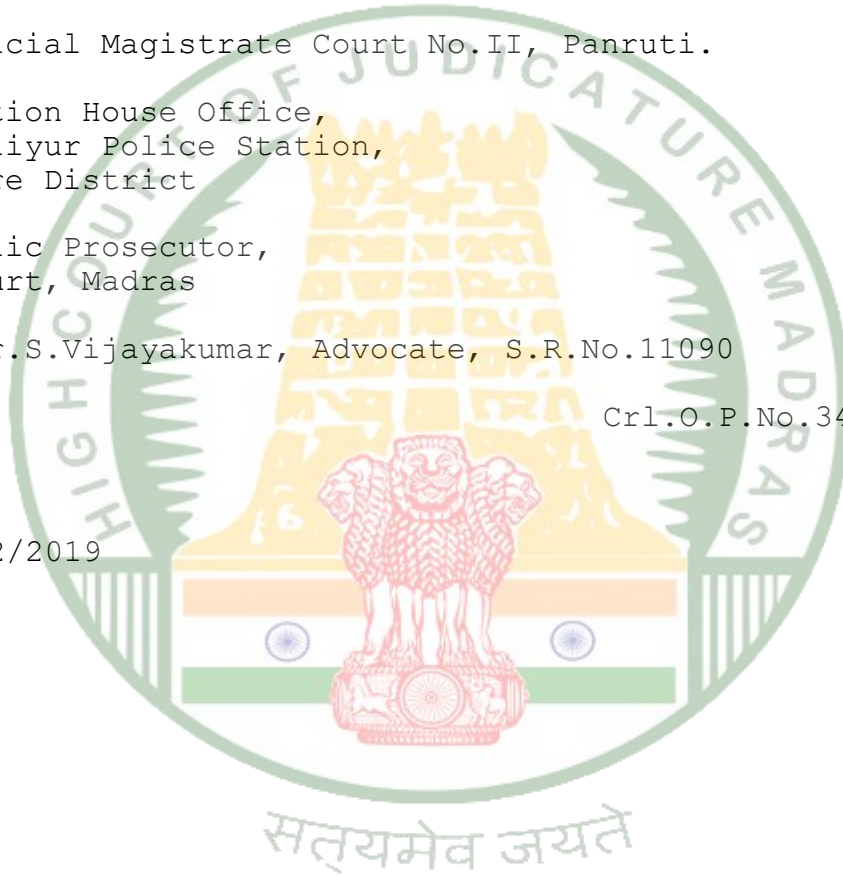
3.The Public Prosecutor,
High Court, Madras

+lcc to Mr.S.Vijayakumar, Advocate, S.R.No.11090

Crl.O.P.No.3434 of 2019

PVS(CO)

rrs 08/02/2019



WEB COPY