

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3441 of 2019

1.Raji @ Alexander
2.Madhalaimuthu
3.Motchamary
4.Bommi @ Irudaiyamery
5.Felix Antony
6.Joyz

... Petitioners /Accused

Vs.

State Rep. by
Inspector of Police
All Woman Police Station
Dharmapuri District
(Crime No.39/2012)

... Respondent/Complainant

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in S.C.No.94/2013 on the file of the Fast Track Mahila Court, Dharmapuri and set aside the order dated 21.01.2019 dismissing the order passed in C.M.P.No.399 of 2018.

For Petitioners : Mr.V.Sakkarapani
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed by the petitioner seeking to set aside the order made in C.M.P.No.399 of 2018 S.C.No.94/2013 on the file of the Fast Track Mahila Court, Dharmapuri, dated 21.01.2019.

2.It is seen that the case was posted for examination of the PW.1 to PW.6 and PW.9 and the prosecution had examined the said witnessess. But the respondent failed to cross-examine the prosecution witnesses for the reason that on that day was boycotted by the advocates and the defence counsel inability to cross-examine the witnesses due to sickness. Therefore, the petitioner could not able to cross examine the above said

witnesses. Now the case is posted on 19.02.2019 for further witnesses of prosecution.

3.Considering the above facts and circumstances, one more opportunity can be given to the petitioner to recall and cross examine the prosecution witnesses PW.1 to PW.6 and PW.9. The order passed by the Court below in C.M.P.No. 399 of 2018 dated 21.01.2019 is hereby set aside. On payment of necessary charges, the petitioner is permitted to cross examine the prosecution witnesses PW.1 to PW.6 and PW.9 on 19.02.2018 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 allowed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rpl/ssr

To.

1. The Judge,
The Fast Track Mahila Court, Dharmapuri.
2. TheInspector of Police
All Woman Police Station
Dharmapuri District

- 3.The Public Prosecutor
High Court of Madras

+1cc to Mr.V.Sakkarapani, Advocate, S.R.No.11093

EV(CO)
GN(11/02/2019)

Cr1.O.P.No.3441 of 2019