

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

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

CrI.O.P.No.3438 of 2019

Rajasekar

... Petitioner

Vs.

State Rep. by
Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District
(Crime No.309/2013)

.... Respondent

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in S.C.No.103/2015 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.377 of 2018.

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

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.377 of 2018 S.C.No.103/2015 on the file of the Fast Track Mahila Court, Dharmapuri, dated 21.01.2019.

2.It is seen that the case was posted for prosecution witnesses on 22.02.2016 and 23.02.2016 for examination of PW.1 to PW.18. The prosecution examined the witnessess PW.1 to PW.18 in chief and also marked Exhibits P.1 to P.11 and Exhibits P.12 to P.17 respectively. But the respondent failed to cross-examine the prosecution witnesses for the reason that on those days i.e., 22.02.2016 and 23.02.2016 were boycotted by the advocates. Therefore, the petitioner could not able to cross examine the above said witnesses. Now the case is posted on 11.02.2019 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.18. The order passed by the Court below in C.M.P.No. 377 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.18 on 18.02.2019 and 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.Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District

3.The Public Prosecutor
High Court of Madras

4.The Section Officer
Criminal Section
High Court of Madras.

+1cc to Mr.V.Sakkarapani, Advocate, S.R.No.11094

Cr1.O.P.No.3438 of 2019

GSP(11/02/2019)

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