

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4053 OF 2019

and

CMP. No. 2503 of 2019

Narasimman

.. Petitioner/Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
Ambur Taluk Police Station,
Ambur.

..Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to Crl.MP. No. 1026 of 2018 in SC. No. 100 of 1996 on the file of the Fast Track Family Court (Magistrate Court), Vellore and set aside the same.

For Petitioner : M/s.K.Manikandan

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

O R D E R

The Petitioner's request to recall and cross examination of PW1 to PW7 under Section 311 of Code of Criminal Procedure was rejected by the learned Sessions Judge, Mahalir Neethi Mandram (Fast Tract Mahila Court), Vellore. Challenging the same, the present petition is filed.

2. It is seen that the petitioner is the sole accused. He has been charged for the offences under Sections 366-A and 377 of IPC. PW 1 to PW 7 were examined in Chief and thereafter the petitioner fails to cross examine the above prosecution witness. Now the case is posted for further evidence of PW 14 to PW16 on 25.02.2018. Admittedly, the petitioner did not cross examine the PW1 to PW7.

3. The learned counsel for the petitioner submitted that the petitioner may be given an opportunity for cross examining the prosecution witnesses PW 1 to PW7 to prove his case.

4. In view of the submissions made by the petitioner and by giving another opportunity to cross examine the prosecution witnesses PW1 to PW7 by fixing the time frame for completing the cross examination will not cause prejudice to the prosecution and the proceedings may not get unjustifiably prolonged.

5. Hence, the order passed in CrI.MP.No. 1026/2018 in S.C. No100 of 1996 by the learned Sessions Judge, Mahalir Neethi Mandram (Fast Tract Mahila Court), Vellore is set aside. Consequently, the learned Sessions Judge, Mahalir Neethi Mandram (Fast Tract Mahila Court), Vellore is directed to issue summons to PW1 to PW7 for cross examination on payment of necessary charges by the petitioner and permit the petitioner to recall and cross examine PW1 to PW7. It is made clear that the petitioner shall complete the cross examination on the same day, failing which, the trial Court shall proceed with the case in accordance with law.

With the above observations and directions, the Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge,
Mahalir Neethi Mandram
(Fast Tract Mahila Court),
Vellore.
2. The Inspector of Police,
Ambur Taluk Police Station,
Ambur.

+1CC to Mr.K.Manikandan, Advocae, SR.No.15415

CRL.O.P.No. 4053 Of 2019
and
CMP. No. 2503 of 2019

VBA (CO)
KAK(21/02/2019)