

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4474 of 2019 and
Crl.M.P.No.2653 of 2019

Elango @ Elangovan

... Petitioner

Versus

The State rep. by,
The Inspector of Police,
Edappadi police Station,
Salem.

.... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 02.01.2019 made in Crl.M.P.No.2091 of 2018 in S.C.No.70 of 2015 on the file of the Sessions Judge, Mahila Court, Salem, by allowing this petition.

For Petitioner : Mr.R.Marudhachalamurthy

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

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.2091 of 2018 in S.C.No.70 of 2015, dated 02.01.2019 on the file of the Sessions Judge, Mahila Court, Salem.

2.It is seen that the trial Court allowed the petition to recall the witnesses PW.1, PW.3 and PW.4. But in respect of PW.2 was dismissed for the reason that this petitioner was already given liberty to cross-examine PW.2. But the learned counsel for the petitioner could not utilized the liberty. It is also seen that the PW.2 victim girl on the date of cross-examination, there was the advocates boycott. Since PW.2 is the victim, she has to be necessarily cross-examine by the petitioner to defend his case by effective cross examination.

3.Considering the above facts and circumstances, the

petitioner may be given one more opportunity to cross-examine the PW.2. The order passed by the Court below in CrI.M.P.No.2091 of 2018, dated 02.01.2019 is hereby set aside. The petitioner is permitted to cross-examine PW.2 after payment of necessary charges. The Court below is directed to fix a date for cross-examination of PW.2. On the very same day, the petitioner shall cross-examine PW.2. Failing which, the trial Court is directed to proceed with the trial in accordance with law.

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

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vv2/rpl

To

- 1.The Sessions Judge, Mahila Court,
Salem.
- 2.The Inspector of Police,
Edappadi police Station,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No. 15349

CrI.O.P.No.4474 of 2019

PPA(CO)
GN(27/03/2019)

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