

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 6246 of 2019
and Crl.M.P.No.3457 of 2019

Selvi

..Petitioner

Vs.

State rep. By its
Inspector of Police,
Suramangalam P.S.
Salem.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 02.02.2019 in Crl.M.P.No.3 of 2019 in S.C.No.50 of 2014 on the file of learned Sessions Judge, Mahila Court, Salem.

For Petitioner : Mr.B.Ravi

For Respondent : Mr.C.Raghavan

Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.3 of 2019 in S.C.No.50 of 2014 dated 02.02.2019 on the file of the learned Sessions Judge, Mahile Court, Salem, thereby dismissing the petition filed by the petitioner under section 311 of Cr.P.C. to recall P.Ws.11 and 12.

2. The learned counsel for the petitioner would submit that the petition filed by the petitioner under Section 311 Cr.P.C in Crl.M.P.No.917 of 2018 to recall and cross-examine P.Ws 10 to 12 and the same was allowed with condition that the defence counsel has to deposit a sum of Rs.700 as witness batta. Due to illness, the petitioner counsel has not cross examined P.Ws.11 and 12 on 24.12.2018. Hence, the petition.

3. Considering the above facts and circumstances of the case, the order in Crl.M.P.No.3 of 2019 in S.C.No.50 of 2014 dated 02.02.2019 passed by the learned Sessions Judge, Mahila

Court, Salem is set aside. The petitioner shall cross examine PWs.11 and 12 on the date fixed by the Trial Court for cross examination and the same day when PWs.11 and 12 appears before the Court. If for any reason the petitioner fails to cross examine PWs.11 and 12 on the same day, the petitioner shall forfeit his right to recall PWs.11 and 12 for cross examination in future. The petitioner shall pay a necessary cost to the witnesses. Failing which, the learned Magistrate is directed to proceed with the trial on merits and in accordance with law.

4. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

mpa/lpp

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sessions Judge,
Mahila Court,
Salem.

2.The Inspector of Police,
Suramangalam P.S.
Salem.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Ravi, Advocate, SR.No.22327

CrI.O.P.No. 6246 of 2019
and CrI.M.P.No.3457 of 2019

Kak(30/04/2019)

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