

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6807 of 2019
& C.M.P.No.3757 of 2019

1.S.Ramu
2.Selvam

... Petitioners

Vs.

The State represented by
Inspector of Police,
Railway Police Station,
salem.

(Crime No.198/2015) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 26.02.2019 passed in CMP.No.89 of 2019 in C.C.No.33 of 2015 on the file of the special judge for NPDS.Act cases, Salem.

For Petitioners : Mr.K.V.Sridharan

For Respondent : Mr.C.Raghavan
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been seeing direction to set aside the order dated 26.02.2019 passed in CMP.No.89 of 2019 in C.C.No.33 of 2015 on the file of the special judge for NPDS.Act cases, Salem, under Section 313 Cr.P.C cross examined PW1.

2.It is seen that the petitioners had already cross examined PW1 in an elaborate manner as early as on 22.03.2017 itself. Now the matter has been posted for questioning under Section 313 Cr.P.C. At this juncture, the petitioners have filed a petition to recall PW1 for further examination on an important aspect. Though the petition filed under Section 311 Cr.P.C did not state any reasons, the petitioners shall be given one more opportunity to cross examine PW1, and the matter is also Civil in nature.

3.Heard learned counsel for the petitioners and learned Government Advocate for the respondent.

4.Considering the above facts and circumstances of the case the order passed by the Trial Court in CMP.No.89 of 2019 in C.C.No.33 of 2015 is set aside. The Trial Court is directed to permit the petitioners to cross examine PW1 on the date fixed by the Trial Court on payment of necessary charges.

5.If the petitioners fails to cross examine PW1 on the date fixed by the Trial Court, the Trial Court is directed to proceed the matter further on merits in accordance with law.

6.Accordingly this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsn/kas

To

1.The special judge for NPDS.Act cases, Salem

2.The Inspector of Police,
Railway Police Station,
Salem.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. K.V.Sridharan, Advocate, S.R.No. 24824

Crl.O.P.No.6807 of 2019
& C.M.P.No.3757 of 2019

PA(CO)
GN(03/05/2019)

WEB COPY