

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6527 of 2019

1. Mr.Sadanandham

2. Mr.Nandakumar

3. Mr.Santhanam

4. Mrs.Parameshwari

5. Mrs.Gomathi .. Petitioners

Vs

State rep by
The Inspector of Police,
K-1 Police station,
Chennai.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.97 of 2019 in C.C.No.170 of 2014 dated 11.02.2019 by the learned V Metropolitan Magistrate, Egmore, Chennai.

For Petitioners: Mr.M.Anandaraj

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

O R D E R

This Criminal Original petition has been filed to call for the records and set aside the order passed in Crl.M.P.No.97 of 2019 in C.C.No.170 of 2014 dated 11.02.2019 by the learned V Metropolitan Magistrate, Court, Egmore, Chennai.

2. The petitioners are arrayed as A2 to A6. They were charged for the offences under Section 147, 427 & 506 (ii) of IPC. The petitioner filed petition under Section 311 Cr.P.C. to recall the witnesses PW1 to PW3 for cross examination before the learned V Metropolitan Magistrate, Egmore, Chennai. On the side

of the prosecution P.W.1 was examined on 07.08.2017, P.W.2 was examined on 08.01.2018 and P.W.4 was examined on 10.09.2018. On the date of examination, the counsel for the petitioners held up in High Court and due to unavoidable circumstances P.W.1 to P.W.3 were not cross-examined on the side of the accused. The reasons stated in the petition are not accepted by the trial Court. This is the case of the year 2014. The witnesses P.W.1 to P.W.3 were examined from 07.08.2017 to 10.09.2018. The petitioners having waited up to 07.01.2019 and come forward with the application. The trial has been completed in the main case. Hence, the petition was dismissed. Now the petitioners filed the present petition to cross examine PW1 to P.W.3 as last chance.

3. The petitioners had filed the petition to recall P.W.1 to P.W.3 belatedly and trial has already been completed in the main case. The petitioners have explained the reasons for the delay. Hence, this Court is of the view, the petitioners can be given one more opportunity to cross examine PW1 to P.W.3 in respect of payment made by them during the trial. Therefore, the order passed by the learned V Metropolitan Magistrate, Egmore, Chennai is set aside. The petitioner is permitted to cross examine PW1 to P.W.3 on the next hearing date and the cross examination should be completed on the same day, failing which the trial court is directed to proceed with the trial in accordance of law.

4. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(AD IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

dh
To

1. The V Metropolitan Magistrate,
Egmore, Chennai.

2. The Inspector of Police,
K-1 Police station,
Chennai.

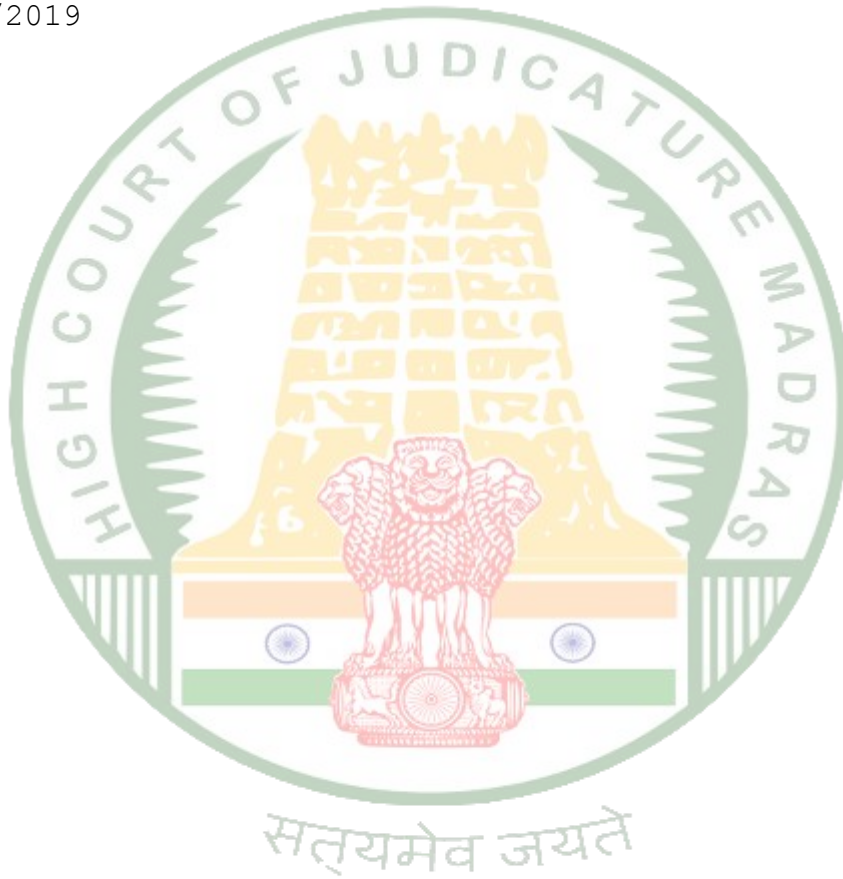
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3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Anandaraj, Advocate Sr.22925

Cr1.O.P.No.6527 of 2019

kj[co]
srg 23/05/2019



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