

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6507 of 2019

and

Crl.M.P.No.3600 of 2019

Narendra

...Petitioner

-Vs-

State rep by its
Inspector of Police,
W-19 All Women Police Station,
Adyar,
Chennai.
(Crime No.5 of 2016)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed in Crl.M.P.No.2085 of 2019 in S.C.No.30 of 2018 dated 06.02.2019 on the file of the Sessions Judge, Mahila Court, Chennai.

For Petitioner : Mr.T.Muruganantham

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

ORDER

This Criminal Original Petition has been filed challenging the order passed by the court below in Crl.M.P.No.2085 of 2019 in S.C.No.30 of 2018 dated 06.02.2019 on the file of the Sessions Judge, Mahila Court, Chennai, thereby, dismissing the petition filed by the petitioner under section 315 of Cr.P.C to examine himself as a witness.

2. The learned counsel for the petitioner would submit that the petitioner is a sole accused and the charges framed against the petitioner are under Sections 8 and 10 of POSCO Act. The prosecution side witnesses were examined as P.Ws.1 to 9. The defence side witnesses were examined as D.Ws.1 to 3. Therefore, the matter has been posted for argument on 26.11.2018. Thereafter, on two occasions, the matter has been posted for arguments, even then, the petitioner did not commence the arguments. Therefore, the petitioner has filed the present

petition under Section 315 of Cr.P.C to examine himself as a witness. He would further submit that the petitioner is working as an electrician. Due to previous enmity, the defacto complainant has lodged a complaint against the petitioner. Therefore, the learned counsel for the petitioner would submit that if an opportunity is given to the petitioner to examine himself as a witness, he will definitely disclose so many facts before the Trial Court.

4. In view of the above, this Court is of the considered view that one last chance can be given to the petitioner in order to examine himself as witness.

5. Therefore, this petition is allowed and the order passed by the Court below in CrI.M.P.No.2085 of 2019 in S.C.No.30 of 2018 is hereby set aside. Now, the matter has been posted for hearing on 19.03.2019. If for any reason the petitioner fails to examine himself as a witness on that day, the petitioner shall forfeit his right to examine himself as a witness in future. Failing which, the learned Magistrate is directed to proceed with the trial on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
W-19 All Women Police Station,
Adyar,
Chennai

2.The Public Prosecutor,
High Court of Madras.

3.The Sessions Judge,
Mahila Court, Chennai.

+lcc to Mr.T.Muruganantham, Advocate sr.no.24819

CrI.O.P.No.6507 of 2019
and
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nr 15/03/2019