

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 6528 of 2019
and Crl.M.P.No. 3609 of 2019

1. Ravi @ Auto Ravi

2. Kumar @ Murugan

3. Karthikai Jothi ... Petitioners

Vs

State rep. by its
The Inspector of Police,
CBCID,
Chennai.

... Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crl.M.P.No.1843 of 2018 in C.C.No.8453 of 2010 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai in its order dated 21.01.2019 and set aside the order.

For Petitioners : Mr.M.R.Radhakrishnan

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

ORDER

This Criminal Original Petition has been filed to call for the records in Crl.M.P.No.1843 of 2018 in C.C.No.8453 of 2010 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai in its order dated 21.01.2019 and set aside the order.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent.

3. It is seen that, this petition has been filed as against order passed in Crl.M.P.No.1843 of 2018 in C.C.No.8453 of 2010 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai, thereby dismissing the application under Section 311 of Cr.P.C. The petitioners are A1 to A3 and there are charged for an offence under Sections 327, 329, 342, 363, 368, 370, 374 of IPC and Section 23 and 26 Juvenile Justice Act 2000 Amended

2006. The prosecution had already examined PW1 to PW15 and the learned counsel for the petitioner already completed cross examination to PW1 to PW9. Due to personal inconvenience, the petitioners/accused unable to contact the counsel and thereby the cross examination on PW10 to PW15 were closed.

4. He further submitted that the petitioners/accused persons were questioned under Section 313 (i) (b) Cr.P.C and the matter is stood for the examination of defense witnesses. As such, the petitioner filed the present petition seeking to recall P.W.10 to P.W.15.

5. Considering the facts and circumstances of the case, the petitioners can be given one more opportunity to cross examine PW.14 and P.W.15 in respect of payment made by them during the trial. Therefore, the order passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai is set aside. The petitioner is permitted to cross examine PW14 and P.W.15 on next hearing date and the cross examination should be completed on the same day failing which the trial court is directed to proceed the trial in accordance of law.

4. With the above direction, this Criminal Original Petition disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr/dh

To

1. The IVth Metropolitan Magistrate,
Saidapet, Chennai

2. The Inspector of Police,
CBCID, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.R.Radhakrishnan, Advocate, S.R.No.22983

Cr1.O.P.No. 6528 of 2019
and Cr1.M.P.No. 3609 of 2019

CB(CO)

RRS (03/05/2019)