

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7229 of 2019

Karthick @ Manikandan

... Petitioner

Vs

State rep. By,
The Inspector of Police,
Chithode Police Station,
Erode District.
Crime No.443 of 2017

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by learned Mahila Judge of Erode in Crl.M.P.No.320 of 2018 in S.C.No.37 of 2018 dated 23.01.2019.

For Petitioner : Mr.B.Mohan

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

O R D E R

This Criminal Original Petition has been filed to set aside the impugned order passed by learned Mahila Judge of Erode in Crl.M.P.No.320 of 2018 in S.C.No.37 of 2018 dated 23.01.2019.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.It is seen that the prosecution of P.W.1 to P.W.15 were examined. In fact, the Investigation Officer also examined, in which, the P.W.12 termed hostile on the date of examination of P.W.12 the petitioner did not cross examined him. Thereafter, he filed the petition under Section 311 of Cr.P.C., to cross examine P.W.12 though he was turned hostile.

4.Considering the above facts and circumstances, the petitioner may be given one more opportunity to cross examine P.W.12 alone on payment of necessary charges. Accordingly, the order passed in Crl.M.P.No.320 of 2018 in S.C.No.37 of 2018

dated 23.01.2019 on the file of the learned Mahila Judge, Erode is set aside. The trial Court is directed to permit the petitioner to cross examine the P.W.12 on the single day and directed to fix date for cross examination of the witness on payment of charges. If the petitioner fails to cross examine P.W.12 on the date fixed by the trial Court, the trial Court is directed to proceed the trial in accordance with law.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rna
To

- 1.The Additional District Judge,
Mahila Court,
Erode District.
- 2.The Inspector of Police,
Chithode Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7229 of 2019

MP (CO)
GN (04/06/2019)

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