

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 8941 of 2019

Chinnaraj

...Petitioner

Vs

State rep. by its Sub-Inspector of Police,
Tiruppur, Sout Police Station,
Tiruppur

...Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed in C.M.P.No.307 of 2019 in S.C.No. 1 of 2019 on the file of Principal Sessions Court at Tiruppur and permit the petitioner to cross examine the witnesses P.W.1 to P.W.7.

For Petitioner : Mr.R.Karunakaran
For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to challenge the order passed in C.M.P.No.307 of 2019 in S.C.No. 1 of 2019 on the file of Principal Sessions Court at Tiruppur and permit the petitioner to cross examine the witnesses P.W.1 to P.W.7.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. It is seen that the Sessions case is of the year 2019. The P.W.1 to P.W.7 were already examined in chief and the counsel for the petitioner did not cross examine the prosecution side witnesses. Since he met with an accident, he could not able to cross examine the witnesses. Even thereafter when the case was posted on 11.02.2019 and 20.02.2019, there was no representation.

4. Considering the above facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to cross examine P.W.1 to P.W.7.

5. Accordingly, the order passed in C.M.P.No.307 of 2019 in S.C.No.1 of 2019 passed by the learned Principal Sessions Judge, Tiruppur, is set aside. The trial Court is directed to fix a date to permit the petitioner to cross examine P.W.1 to P.W.7 on payment of necessary charges. The petitioner is directed to appear on the date fixed by the Court below and cross examine P.W.1 to P.W.7. If the petitioner fails to cross examine P.W.1 to P.W.7 on the fixed date, the trial Court is directed to proceed with the trial and pass orders on merits and in accordance with law.

6. Accordingly, this Criminal Original petition stands allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn/rm

To

1. The Sub-Inspector of Police,
Tiruppur South Police Station,
Tiruppur
2. The Principal Sessions Judge,
Tiruppur.
3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.R.Kumaraguru, Advocate, S.R.No.32105

SR(CO)
SSM(20/05/2019).

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