

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10605 of 2019

and Crl.M.P.No.5468 of 2019

S.K.Subramanian

..Petitioner/A2

Vs.

State rep. by

The Inspector of Police,
Central Crime Branch,
Chennai & District.

...Respondent

Prayer:Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 22.03.2019 made in C.M.P.No.499 of 2019 in C.C.No.5640 of 2016 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.B.Kumarasamy

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

O R D E R

This Criminal Original Petition has been filed seeking to set aside the order dated 22.03.2019 made in C.M.P.No.499 of 2019 in C.C.No.5640 of 2016 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

2.The petitioner is facing trial before the learned III Metropolitan Magistrate Court, George Town, Chennai-01 for an alleged offences committed under Section 409, 420, 468, 471, 477(A) and r/w 120(b) of IPC in C.C.No.5640 of 2007. The trial has commenced and PW3 & PW4 were already examined. Under such circumstances, the petitioner filed Crl.M.P.No.499 of 2019 before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, and the same was dismissed on 22.03.2019. Hence, the petitioner filed the present petition with the aforesaid prayer.

3. Considering the facts and circumstances of the case the petitioner may be given one more opportunity to cross examine PW3 and PW4. Therefore, the order passed in Crl.M.P.No.499 of 2019 filed in C.C.No.5640 of 2016 by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai is set aside.

4.The petitioner is permitted to let evidence on his side. Thereafter, the trial Court is directed to permit the petitioner to cross examine PW3 and PW4 on the next hearing date itself. If the petitioner fails to cross examine the witnesses, the trial court is directed to proceed with the case and pass orders on merits and in accordance with law.

5. In the result, this Criminal Original Petition is allowed. Consequently connected Miscellaneous petition is closed.

-sd-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

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To

1.The Inspector of Police,
Central Crime Branch,
Chennai & District.

2.The CCB and CBCID Metropolitan Magistrate,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to M/S.B.KUMARASAMY Advocate SR.NO.38964

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cm 12/06/2019