

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.11601 of 2019

Pechimuthu

... Petitioner/Accused

Vs.

State by

The Inspector of Police,
AWPS Madipakkam,
Chennai-91

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to set aside the Order passed in Crl.MP.No.152 of 2019 in Spl C.No.22 of 2017 on the file of Court of the Mahila, Chengalpattu dated 13.03.2019.

For Petitioner : M/S.M.Selvadurai

For Respondent : Mr.C.Raghavan
Government Advocate

O R D E R

This petition has been filed challenging the order passed by the Court below, dismissing the petition filed by the petitioner under Section 311 of Cr.P.C seeking to recall PW1 to PW11 for the purpose of cross-examination.

2.It is seen from records that the petitioner had cross-examined PW3 to PW8 and had sought for deferring the cross-examination of PW1, PW2, PW9 and PW10 and the said petition was dismissed by the Court below. Thereafter, when the case was at the stage of arguments, the present petition has been filed seeking to recall PW1 to PW11 for cross-examination.

3.The learned counsel for the petitioner submitted that since the petitioner is facing serious charges under the POCSO Act, sufficient opportunity must be given to the petitioner for cross-examining the witnesses.

4.The learned Government Advocate submitted that the Court below has given cogent reasons while dismissing the petition stating that this case is pending from the year 2017 and the petitioner has filed the present application only with a view to drag on the proceedings.

5.This Court has carefully considered the submissions made on either side and also perused the materials placed on record.

6.The petitioner had earlier filed a petition to defer the cross-examination of PW1, PW2, PW9 and PW10 and the same was dismissed. Thereafter, the petitioner had chosen to cross-examine PW3 to PW8. The proceedings have been pending for more than two years and when the case was at the stage of final hearing, the present application came to be filed for recalling all the witnesses for cross-examination. The Court below has rightly dismissed the application after giving sufficient reasons. This Court also does not find any illegality or infirmity in the order passed by the Court below and it requires no interference.

7. In the result, the present Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in Spl.C.22 of 2017, within a period of two months from the date of receipt of a copy of the order.

Sd/-

Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

jrs/KP

To

1.The Inspector of Police, AWPS Madipakkam,
Chennai-91.

2.The Judge, The Mahila, Chengalpattu.

3.The Public Prosecutor, High Court, Madras.

CrI.O.P.No.11601 of 2019

SVI (CO)
SSM(18/06/2019)