

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.14672 & 14674 of 2019
and
Crl.M.P.Nos.7176 & 7179 of 2019

Narasimmhan ..Petitioner
in Crl.O.P.No.14672 of 2019
Ravi ..Petitioner
in Crl.O.P.No.14674 of 2019

.Vs.

State rep.by its,
Inspector of Police,
NIB-Vellore,
Vellore District. ... Respondent
Cr.No.75 of 2017 in both Crl.Ops

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.Nos.205 & 206 of 2019 in C.C.No.8 of 2018 dated 03.06.2019, on the file of the Special Judge for EC Act Cases, Salem and permit the petitioner to cross examine P.W.1 to P.W.3 by re opening and re call P.W to P.W 3 on the day fixed by this Court.

For Petitioner : Mr.T.Muruganantham
(in both Crl.OPs)

For Respondents : M.Mohamed Riyaz, APP
(in both Crl.OPs)

COMMON ORDER

These Criminal Original petitions have been filed challenging the order passed by the Court below dismissing the applications filed by the petitioners under Section 311 of Cr.P.C., to recall PW-1 to PW-3 for the purpose of cross examination.

2. The petitioners were facing trial before the Court below for an alleged offence u/s 8(c) r/w 20(b) (ii)(c) of NDPS Act. The prosecution examined three witnesses on 06.05.2019. On that day, they were not cross examined, and therefore, their evidence was closed. The petitioners thereafter filed a petition u/s 311 of Cr.P.C., on 10.05.2019, and the same was dismissed by the Court below on the ground that no reasons were given by the petitioners for not cross examining PW-1 to PW-3 and that time limit has already been fixed by this Court for the completion of the trial.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Admittedly, PW-1 to PW-3 were examined only on 06.05.2019 and since they were not cross examined on the same day, their evidence was closed. Within a period of four days, petitioners have filed petition to recall PW-1 to PW-3 for cross examination. The petitioners are facing serious charges under the NDPS Act, and therefore, this Court is of the considered view that one last opportunity can be given to the petitioners to cross examine PW-1 to PW-3. The case is posted for examination of PW-4 on 17.06.2019.

5. The order passed by the Court below in CrI.M.P.Nos.205 & 206 of 2019 in C.C.No.8 of 2018 dated 03.06.2019, is hereby set aside. The trial Court is directed to issue summons to PW-1 to PW-3 for their appearance in the Court on 17.06.2019. On the date of their appearance, each of the petitioner is directed to pay a sum of Rs.750/- towards cost to each of the witnesses viz; PW-1 to PW-3 and their cross examination shall be completed on the same day. It is made clear that the petitioners shall cross examine all the other witnesses examined by the prosecution on the same day they are examined in chief. The Court below is directed to complete the proceedings, within a period of three months from the date of receipt of a copy of the order.

Accordingly, these Criminal Original Petitions are allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

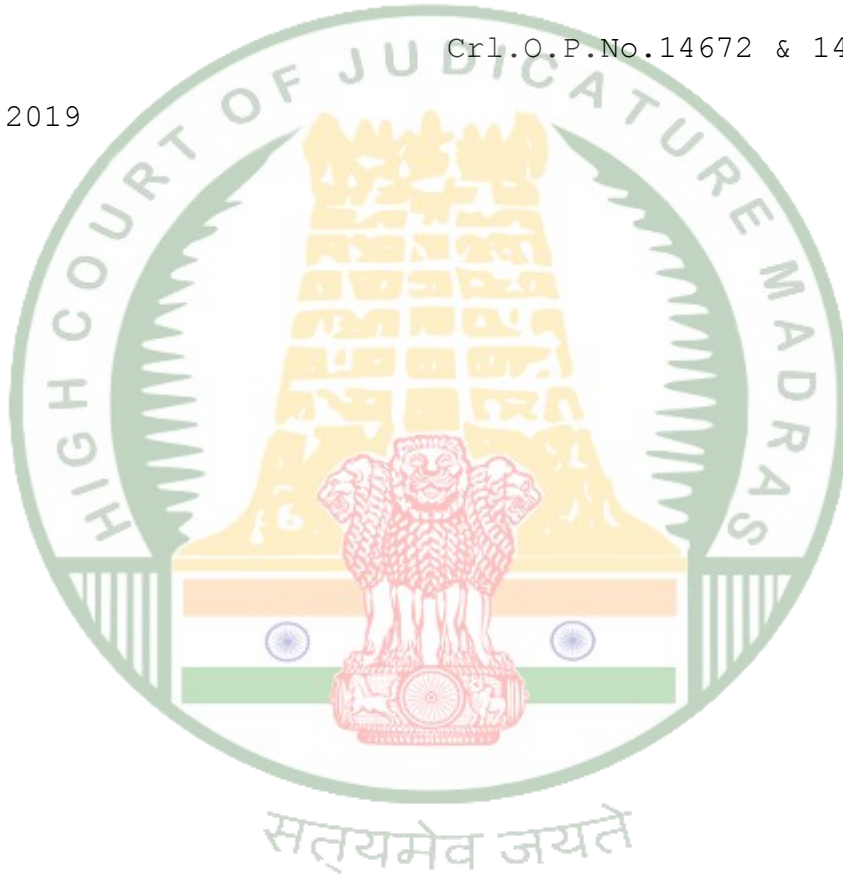
1.The Inspector of Police,
NIB-Vellore, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+2 cc's to Mr.T.Muruganantham, Advocate Sr.No.47273 &47274

Crl.O.P.No.14672 & 14674 of 2019

BK(CO)
CSL/13.06.2019



WEB COPY