

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.19793 of 2019

and

CrI.M.P.No.10145 of 2019

1.V.Manikandan
2.V.Vinothkumar
3.T.Gokulraj
4.A.Manoj @ Manojkumar Petitioners

Vs.

State Rep. By,
Inspector of Police,
D-3, Pothanur Police Station,
Coimbatore. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in respect of order in C.M.P.No.4 of 2019 in S.C.No.28 of 2017 dated 11.03.2019 passed by learned V Additional District and Sessions Judge, Coimbatore and set aside the same.

For Petitioners: M/s.R.Radha Pandian

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed challenging the order passed by the Court below permitting the prosecution to recall P.W.7 for further examination.

2.The petitioners are facing trial before the Court below for an offence under Section 302 of I.P.C. The prosecution examined 7 witnesses on their side. Many of the witnesses were also cross examined.

3.The prosecution filed an application under Section 311 of Cr.P.C. to recall P.W.7 for further examination. This petition was allowed by the Court below on the ground that the prosecution must be given sufficient opportunity to examine the witnesses and the same is required to ensure fair trial.

4.The learned Counsel for the petitioner submitted that P.W.7 did not support the case of the prosecution and he was treated as a hostile witness. Therefore there is no requirement for the prosecution to recall the witness.

5.This Court does not find any illegality or infirmity in the order passed by the Court below. Even if P.W.7 is recalled and examined by the prosecution, the petitioners will have the right to cross examine P.W.7. That right has not been taken away by the order passed by the Court below.

6.In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.C.No.28 of 2017 within a period of four months from the date of receipt of copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1.The V Additional District and Sessions Judge,
Coimbatore.

2.The Inspector of Police,
D-3, Pothanur Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Radhapandiyar, Advocate Sr.64389

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srg 29/08/2019



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