

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.22329 of 2019

Jaganathan

... Petitioner

Vs.

The State rep. by,  
The Sub Inspector of Police,  
Rural Police Station,  
Tiruppur.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set-aside the order dated 24.06.2019 in Cr1.M.P.No.2366 of 2019 in C.C.No.200 of 2017 on the file of Judicial Magistrate No.IV, Tiruppur.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.C.Iyapparaj  
Additional Public Prosecutor

O R D E R

The petitioner filed an application under Section 311 of Cr.P.C. seeking to recall and cross-examine PW1 which has been rejected by the impugned order dated 24.06.2019, on the ground that the application had been made after a lapse of eight years from the date of cross-examination of PW1 and that by allowing the application, there would be inconvenience to the witness as well as the prosecution.

2.I do not find any infirmity in such finding and as a matter of fact, the Court below is justified in making such observations. The learned counsel for the petitioner, however making earnest appeal, stating that PW1 has never been cross-examined, who is a crucial witness.

3.The learned counsel also submitted that they have no intention to drag on the proceedings and that if an opportunity is granted to them to recall PW1 for cross-examination, the same would be completed on the same day. Taking lenient view of this

aspect, the learned Judicial Magistrate No.IV, Tiruppur is called upon to permit the petitioner herein to recall and cross-examine PW1 on or before 04.10.2019. The petitioner herein shall complete the cross-examination of PW1 on the same day fixed by the learned Judicial Magistrate No.IV, Tiruppur.

4.With the above observations, this criminal original petition is disposed of.

ssr/bkn

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.IV, Tiruppur
2. The Sub Inspector of Police,  
Rural Police Station,  
Tiruppur.
3. The Public Prosecutor,  
High Court of Madras, Chennai.

+1cc to Mr.K.Sudhakar, Advocate, SR.No.80033

Kak(18/09/2019)

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सत्यमेव जयते  
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