

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.855 of 2017
and CRL.M.P.No.734 of 2017

A.G.Jothi

...Petitioner

Vs

The Station House Officer,
All Women Police Station,
Chidambaram,
Cuddalore District.
Crime No.1/2015.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned order passed in Criminal Miscellaneous Petition No.4350/2016 in C.C.No.134/2015 by the learned Judicial Magistrate No.I, Chidambaram, Cuddalore District dated 22.11.2016 and subsequently direct the learned Judicial Magistrate No.II, Chidambaram to permit the Petitioner/Accused No.3 to recall PW1 to PW5 and permit the Petitioner to cross examine them.

For Petitioner : Mr.R.Ganesan

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

ORDER

This Criminal Original Petition has been filed to set aside the impugned order made in CMP.No.4350 of 2016 in C.C.No.134 of 2015, passed by the learned Judicial Magistrate No.I, Chidambaram, Cuddalore District dated 22.11.2016 and subsequently direct the learned Judicial Magistrate No.II, Chidambaram to permit the Petitioner/Accused No.3 to recall PW1 to PW5 and permit the Petitioner to cross examine them.

2.The learned counsel for the petitioner submitted that some vital points have not been cross examined with PW1 to PW5. He further, submitted that important suggestions were left out to the questions with PW1 to PW5. Therefore, he prays to allow this petition.

3.The learned Government Advocate (Criminal Side) would submit that all the witnesses have been examined. Hence, he prayed for dismissal of this petition.

4.Heard Mr.R.Ganesan, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Criminal Side) appearing for the respondent.

5.It is seen from the records that the petitioner has come forward with this petition to recall PW1 to PW5 for further cross examination.

6.Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put forth his defence. Accordingly, the order dated 22.11.2016, made in CMP.No.4350 of 2016 in C.C.No.134 of 2015, passed by the learned Judicial Magistrate No.I, Chidambaram, Cuddalore District, is hereby set aside and the petitioner is permitted to cross examine PW1 to PW5 on the date fixed by the trial Court by payment of necessary charges. If the petitioner failed to cross-examine PW1 to PW5 on the date fixed by the trial Court, the trial Court is directed to proceed with the trial on merits and in accordance with law.

7.With the above directions, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pam

To

1.The Judicial Magistrate No.II,
Chidambaram.

2.The Judicial Magistrate No.I,
Chidambaram, Cuddalore.

3.The Station House Officer,
All Women Police Station,
Chidambaram,
Cuddalore District.
Crime No.1/2015.

4. The Government Advocate (Criminal Side),
High Court, Chennai - 600 104.

+1 cc to M/s.R.Ganesan, Advocate, Sr.No. 41108

CrI.O.P.No.855 of 2017
and CRL.M.P.No.734 of 2017

PPA (CO)
CSL/24.06.2019



WEB COPY