

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.OP.No.23460 OF 2019
and
CRL.MP.12325 OF 2019

J.R.Balajibalachandar Petitioner/Accused

Vs.

1.State Rep. by:

The Sub Inspector of Police,
Central Crime Branch, Team-IXA,
Veppery, Chennai, (Xcr.No.88 of 2013... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Cr1.M.P.No.2172 of 2019 in C.C.No.6260 of 2016 dated 04.06.2019 pending on the file of the Learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai-600 008.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.C.Iyapparaj
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

The trial Court had originally allowed the petitioner's application filed under Section 311 Cr.P.C. to cross examine P.W.1 to P.W.4. Pursuant to the orders, the learned counsel for the petitioner had cross examined P.W.1. Subsequently, he was unable to cross examine P.W.2 to P.W.4 and though he had taken summons for few occasions he was not able to take summons subsequently for producing the witnesses.

2. The trial Court rejected the petitioner's application seeking for cross examining P.W.2 to P.W.4 by stating that steps have not been taken to recall those witnesses and that the petitioner was trying to drag on the case.

3. The learned counsel for the petitioner submits that he has no intention to drag on the case and that if one opportunity is given, he would cross examine P.W.2 to P.W.4 on the same day itself.

4. Though this Court does not find any infirmity in the order, by taking lenient view on the submissions made by the learned counsel for the petitioner and also considering the fact that the petitioner is willing to cooperate for trial by cross examining three witnesses, this Court is inclined to grant such permission.

5. In the light of the above observations, the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, shall permit the petitioner herein to cross examine P.W.2 to P.W.4 within a period of one week from the date of production of this order copy, and such production of order copy shall be at least on or before 01.10.2019.

6. The learned Additional Public Prosecutor would submit that one of the witnesses is residing at Bangalore. Taking such statement into consideration, the petitioner shall bear the expenses for production of the above said witness and quantum of such expenses shall be fixed by the trial Court itself.

7. With the above observation, the Criminal Original Petition stands disposed of. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Asst.Registrar (Insp Cell)

/true copy/

Sub Asst. Registrar

bkn

To

The Sub Inspector of Police,
Central Crime Branch, Team-IXA,
Veppery, Chennai, (Xcr.No.88 of 2013)

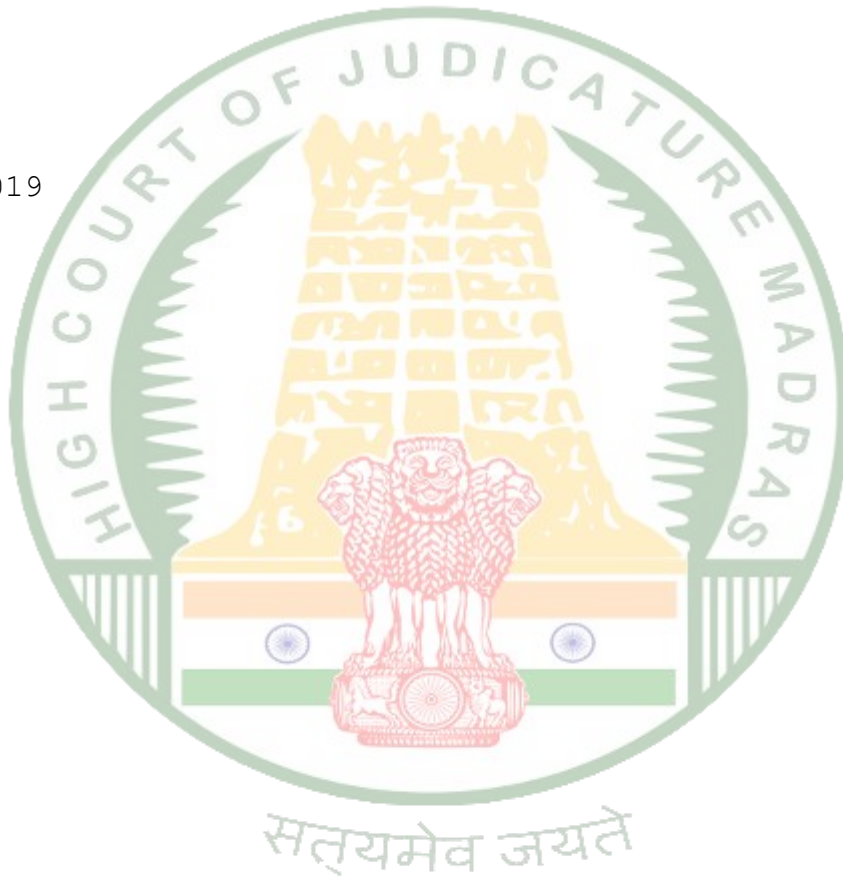
2.The CCB & CBCID Metropolitan Magistrate
Egmore, Chennai

3.The Public Prosecutor
High Court, Madras

+1 cc to Mr.T.R.Ravi Advocate sr79115

CRL.OP.No.23460 OF 2019
and
CRL.MP.12325 OF 2019

ln(co)
aa09/10/2019



WEB COPY