

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl. O.P.No. 23676 of 2019
and
Crl.M.P.No.12473 of 2019

Muthuvel

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Lovedale Police Station,
Ootacamundalam.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C seeking a direction to call for the records in Crl.M.P.No.3350 of 2019 in C.C.No.73 of 2017 on the file of the Judicial Magistrate Court, Coonnoor, and revise the order passed in Crl.M.P.No.3350 of 2019 and set aside the same consequently permit the petitioner/accused to recall the witness prosecution P.W.1 to P.W.8 for cross examination in view of defence.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

Though this Court does not find any infirmity in the findings of the trial Court rejecting the petitioner's application under Section 311 Cr.P.C. for the reason that the petitioner was already given an opportunity to cross-examine the witnesses on his side and that the application has been filed at a later stage.

2. The learned counsel for the petitioner would submit that though they have sought for cross-examining P.W.1 to P.W.8, the crucial witnesses are P.W.1 and P.W.4, and if opportunity is given to cross-examine these two witnesses, they would not take

any further time and seek for further cross-examination of any other witnesses. By taking a lenient view on this aspect and also taking note of the fact that such further cross-examination would enable the Court below to arrive at a just conclusion, the petitioner herein is permitted to cross-examine P.W.1 and P.W.4 alone within a period of one week from the date of receipt of a copy of this order.

3. The learned Judicial Magistrate, Coonnoor shall ensure that the petitioner completes the further cross-examination of P.W.1 and P.W.4 by fixing up a date within a period of one week. No further indulgence should be extended to the petitioner herein on this aspect. The petitioner shall also bear the cost for production of these two witnesses, which amount shall be fixed by the trial Court.

With these above observations, the Criminal Original Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

bri/ssr

To

1. The Judicial Magistrate,
Coonnoor.

2. The Inspector of Police,
Lovedale Police Station,
Ootacamundalam.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Ilayaraja Kandasamy, Advocate SR.No.87370

CrI. O.P.No. 23676 of 2019
and
CrI.M.P.No.12473 of 2019

BP(CO)
GMY(26/09/2019)