

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.25587 of 2017

S.Saravanan

... Petitioner

Vs

State Rep., by
The Inspector of Police (Crime),
C-1, Kattur Police Station,
Coimbatore City.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crl.M.P.No.686 of 2017 in S.C.No.197 of 2016 on the file of the Chief Judicial Magistrate Court, Coimbatore, dated 01.11.2017 and set aside the same and permit the petitioner to cross-examination of the prosecution witness.

For Petitioner : M/s P. Pugalendhi

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

ORDER

The Criminal Original Petition is filed to set aside the impugned order passed in Crl.M.P.No.686 of 2017 in S.C.No.197 of 2016 by the learned Chief Judicial Magistrate, Coimbatore, dated 01.11.2017 and permit the petitioner to cross-examine of the prosecution witness.

2. The learned counsel for the petitioner would submit that the petitioner filed a petition under Section 311 CrPC to recall PW1-Santhosh Kingsly was cross-examined on 09.01.2017 and PW6-Manimozhi was examined in chief on 13.06.2017 and she was not yet cross-examined by the accused side. Hence, PW6 alone has to be cross-examined by the accused side. Hence the petitioner come out with the present petition.

3. The learned Public Prosecutor would submit that all the prosecution witnesses are over and and the matter was posted for arguments. At this stage, the petitioner sought for prayer in this petition cannot be considered.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent/state.

5. It is seen from the records that the petitioner filed a petition under Section 311 CrPC to recall the witness of PW1-Santhosh Kingsly. The Trial Court has permitted the petitioner to recall the PW6-Manimozhi only in the interest of justice subject to the payment of Batta Rs.1,500/- to PW6. Now, he was also cross-examined in respect of PW1 already. Therefore, at this stage, the petitioner cannot be considered again to recall PW1 for further cross examination. Therefore, this Court finds no merits in this petition and devoid of merits and accordingly, the Criminal Original Petition is dismissed.

6. With the above observations the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Chief Judicial Magistrate,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras - 104.

+1cc to Mr.P.Pugalenth, Advocate, S.R.No.23866

Cr1.O.P.No.25587 of 2017

VSN II (CO)

RRS (12/04/2019)

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