

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.33648 of 2019

And

Crl.M.P.No.18572 of 2019

Ashok Kumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
CBI/EOW/Chennai.

.... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to set aside the order dated 02.08.2019 made in Crl.M.P.No.1414 of 2019 in CC No.12619 of 2003 on the file of Additional Chief Metropolitan Magistrate, Egmore, Chennai and consequently permit the petitioner herein to cross examine the witness the PW-2,25,32,47 and 52.

For Petitioners : Mr.B. Manoharan

For Respondents : Mr.K.Srinivasan

Special Public Prosecutor for CBI Cases

O R D E R

This petition has been filed seeking to set aside the order dated 02.08.2019 made in Crl.M.P.No.1414 of 2019 in CC No.12619 of 2003 on the file of Additional Chief Metropolitan Magistrate, Egmore, Chennai and consequently permit the petitioner herein to cross examine the witness PWs-2,25,32,47 and 52.

2. The facts of the case is that totally there were 4 accused and the petitioner herein is the 3rd accused and he filed a petition U/s 311 of Cr.Pc before the Trial Court to recall P.W-2,25,31,47 and 52 for cross examination and the said petition was dismissed on 02.08.2019. Challenging the same the present petition is filed.

3.The learned counsel appearing for the petitioner would submit that the above 5 witness are required to be cross examined and would further submit that considering the gravity of alleged offence said to have been committed by the accused persons the said witnesses are required to be cross examined. But, the lower Court without considering the facts of the case dismissed the petition, which is not reasonable.

4.The learned Additional Public Prosecutor appearing for the State would submit that some of the above witnesses were cross examined and some of the witness have not been cross examined. However, the above said witnesses not deposed anything about the accused, but are routine witnesses and seeking to cross examine them is not only unreasonable, but it is an attempt on the part of the petitioner to drag on the proceedings.

5.Heard the contentions advanced by the learned counsel on either side and perused the materials available on record.

6. A perusal of the materials available on record clearly reveals that the witnesses who are sought to be cross examined are routine witnesses and have not deposed anything material regarding the alleged crime on accused. Having not utilised his chance of cross examination at the relevant time seeking the present prayer, in the absence of any reason, is nothing but an attempt on the part of the petitioner to drag on the proceedings.

6. Therefore, this Court is of the considered view that the prayer sought for cannot be acceded to, and the order of the Court below does not warrant any interference. Accordingly, this criminal original petition is dismissed. Accordingly, connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

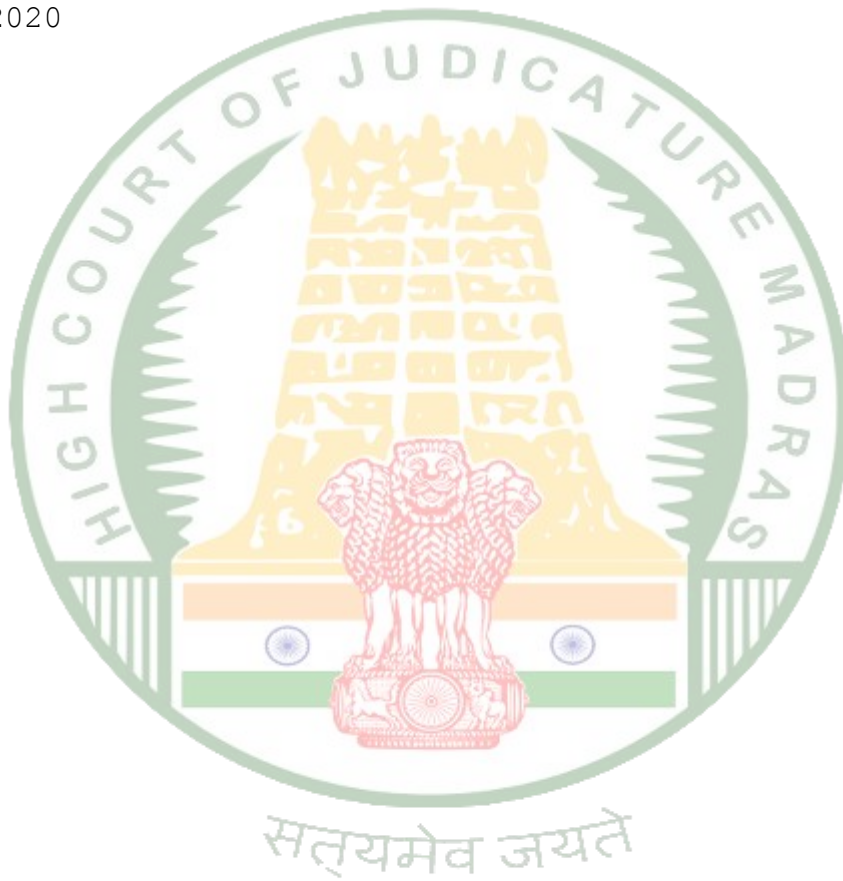
1. The Inspector of Police,
CBI/EOW/Chennai.

2.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.

3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

CrI.O.P.No.33648 of 2019 and
CrI.M.P.No.18572 of 2019

nr 31/01/2020



WEB COPY