

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.28670 of 2019

1.Baskaran

2.Deena @ Deenadhayan

...Petitioners

Vs

The State rep by

The Inspector of Police,
Padalam Police Station,
Kancheepuram District.

....Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, to call for the records relating to the order of the order dated 10.09.2019 passed by the learned Judicial Magistrate - I, Chengalpattu in C.M.PNo.7703 of 2019 in C.C.No.154/2014 on the file of the learned Judicial Magistrate - I, Chengalpattu.

For Petitioners: Mr.G.Magesh Kumar

For Respondents: Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

Petitioners' request to cross-examine PW-1 to PW-6 under Section 311 Cr.P.C., came to be rejected on the ground that the PW-1 and PW-2 were examined in the year 2015 and the PW-3 was examined in the year 2017 itself. Since, the case is 5 years old, the Trial Court has rejected the application stating that the petitioner was indulging in delaying tactics. It is no doubt true that the evidence of PW-1 and PW-2 was closed on the basis of the learned counsels statement and at this belated stage, the petitioner has filed the petition under Section 311 of Cr.P.C. In normal circumstances, this Court would not interfere with such an order and it requires to be mentioned here that there is no infirmity in the order passed by the Trial Court.

2. However, the learned counsel would make a earnest request stating that the PW1, PW2 and PW3 are eye witnesses and that PW5 who is the Doctor are crucial witnesses and they were not cross examined due to inadvertence.

3. By taking a sympathetic view on such a request would also facilitate the trial Court to come to a just and fair conclusion, and hence this Court is inclined to grant one final opportunity to the petitioner.

4. In the light of the above observations, the impugned order dated 10.09.2019 passed in CMP.No.7703 of 2019 in CC.No.154 of 2014 on the file of the Learned Judicial Magistrate - I, Chengalpattu is set aside. Consequently, the trial Court shall permit the petitioner to cross-examine PW-1, PW-2, PW-3 and PW-5 and ensure that he completes such cross-examination within a period of one week from the date of receipt of the copy of this order. No further opportunity will be extended to the petitioner.

5. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The Inspector of Police,
Padalam Police Station,
Kancheepuram District.
2. Additional Public Prosecutor
High Court, Madras.

+lcc to Mr.G.Mageshkumar, Advocate SR.89238

SS(CO)
CB(02/12/2019)

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