

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.29327 of 2019

Muruganandham

...Petitioner

Vs.

State rep by,
The Inspector of Police,
Tirupur Rural Veerapandi Police Station,
Tirupur, Tirupur District.
(Cr. No.795 of 2014)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 03.10.2019 passed in the Crl.M.P.No.1056 of 2019 in Spl.S.C.No.6 of 2015 pending on the file of the Principal District and Sessions Judge, Tiruppur and thereby allow the petitioner to cross examine the PW1 to PW4.

For Petitioner : Mr.S.P.Meenakshi Sundharam

For Respondent : Mrs.V.Saratha Devi
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed to set aside the order dated 03.10.2019 passed in Crl.M.P.No.1056 of 2019 in Spl.S.C.No.6 of 2015 pending on the file of the learned Principal District and Sessions Judge, Tiruppur and thereby allow the petitioner to cross examine PW1 to PW4.

2. This Court does not strictly find any illegality in the order of the learned Principal District and Sessions Judge, Tiruppur, rejecting the petitioner's application under Section 311 Cr.P.C, for non-appearance of the accused. Nevertheless, by taking into account the submission made by the learned counsel for the petitioner that certain vital aspects has to be put forth in the cross examination and also the fact that such a cross examination would assist the Court in coming to a just and fair conclusion, this Court is inclined to take a lenient view by giving one more opportunity to the petitioner to cross examine PW1 to PW4.

3. In the light of the above observation, the order dated 03.10.2019 passed in CrI.M.P.No.1056 of 2019 in Spl.S.C.No.6 of 2015 pending on the file of the learned Principal District and Sessions Judge, Tiruppur, is set aside. Consequently, the learned Principal District and Sessions Judge, Tiruppur, shall permit the petitioner to cross examine PW1 to PW4 and ensure that such examination is completed, within a period of one week from the date of receipt of a copy of this order. It is made clear that the petitioner shall not be given any further opportunity or extension of time for such a cross examination.

4. Accordingly, the Criminal Original Petition stands allowed.

hvk/jas

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District & Sessions Judge,
Tiruppur.
2. The Inspector of Police,
Tiruppur Rural Veerapandi Police Station,
Tiruppur, Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.P.Meenakshi Sundaram, Advocate, SR.No.90906/19

CrI.O.P.No.29327 of 2019

Kak(05/11/2019)

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