

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.29370 of 2019
and Crl MP.No.15829 of 2019

Sunilkumar M. Tapadia

... Petitioner

Vs.

1. State Rep. by its
The Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 600 002.
(Crime No.1044 of 1997)

2. Nathmal Jain

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 19.10.2019 of the learned Metropolitan Magistrate for trial of CCB and CBCID Cases, Egmore, Chennai in Crl.M.P.No.2605 of 2019 in C.C.No.6498 of 2016 on his file and direct that the 2nd respondent as well as any other person who may be examined as defense witness be cross-examined by the counsel for the defacto complainant/petitioner.

For Petitioner : Mr.A.Raghunathan
Senior Counsel for
Mr.R.Sathish Kumar

For Respondents : Ms.Saratha Devi
Government Advocate (Crl. Side)
for R1

O R D E R

This criminal original petition has been filed seeking for permission and challenging the permission sought for under Section 302 of Cr.P.C. seeking for defacto complainant's counsel to assist the prosecution by cross-examining DW1 and other Dws.

2.Today, when the matter was called the learned Government Advocate (Crl. Side) on instructions submitted that they have no objection if such permission is extended to the defacto complainant Counsel to assist the prosecution for the purpose of cross-examining the DW1 and other DWs if examined.

3.In the light of the above observations, the impugned order Crl.M.P.No.2605 of 2019 dated 19.10.2019 is set aside. Consequently, the defacto complainant counsel is permitted to assist the prosecution during the cross-examination of the defense witnesses.

4.Accordingly, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(J)

// True Copy//

Sub Assistant Registrar

ssr

To

1. The Metropolitan Magistrate for trial of CCB and CBCID Cases,
Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 600 002.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.29370 of 2019
and Crl.MP.No.15829/2019

(CO)
CSR(20/12/2019)