

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.31419 of 2019

V.Anandakumar

...Petitioner/Accused

Vs.

The State rep by,
Inspector of Police,
Periyanaickenpalayam P.S.,
Coimbatore.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in Crl.M.P.No.398 of 2019 in Spl.C.C.No.17 of 2018 dated 14.08.2019 on the file of the Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore and recall the PW1 to PW6.

For Petitioner : Mr.A.Raghuraman

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to set aside the order passed in Crl.M.P.No.398 of 2019 in Spl.C.C.No.17 of 2018 dated 14.08.2019 on the file of the Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore and recall the PW1 to PW6.

2. This Court does not strictly find any illegality in the order of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore, rejecting the petitioner's application under Section 311 Cr.P.C, stating that though the accused and his counsel were given sufficient opportunities, they did not cross examine the witnesses.

3. 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, PW3 to PW6.

4. In the light of the above observation, the order dated 14.08.2019 passed in CrI.M.P.No.398 of 2019 in Spl.S.C.No.17 of 2018 pending on the file of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore, is set aside. Consequently, the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore, shall permit the petitioner to cross examine PW1 and PW3 to PW6 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.

5. Accordingly, the Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Sessions Judge,
Magalir Neethimandram (Mahila Court),
Coimbatore.
2. The Inspector of Police,
Periyanaickenpalayam P.S.,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.

+2cc to Mr.Raghuraman, Advocate SR.No.97497

CrI.O.P.No.31419 of 2019

RK(CO)
GMV(27/11/2019)