



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P. (MD) No.21361 of 2018

WEB COPY

Venkatesan @ Venkateswaran

: Petitioner

-Vs-

State represented by
The Inspector of Police,
Kollidam Police Station,
Trichy District.

(Cr.No.330 of 2015)

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to set aside the order of the learned Principal Sessions Judge, Trichy, in Cr.M.P.No.3712 of 2018 in S.C.No.158 of 2017, dated 20.09.2018.

For Petitioner : Mr.N.Anandkumar

For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

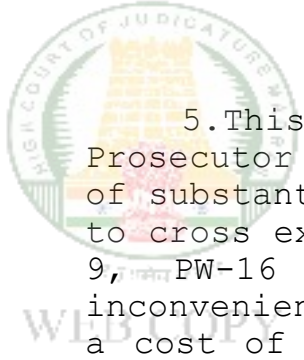
ORDER

The present petition is filed to set aside the order of the learned Principal Sessions Judge, Trichy, in Cr.M.P.No.3712 of 2018 in S.C.No.158 of 2017, dated 20.09.2018.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3.The learned Counsel appearing for the petitioner submitted that only on change of Counsel for the petitioner / accused, it was realised that certain contradictions required to be elucidated from some of the witnesses, and that the case itself is a recent one and at no point of time, the petitioner was recalcitrant in participating the trial.

4.On perusing the records, it is seen that in the impugned order, the learned Principal Sessions Judge, Trichy, has reasoned that in the sessions trial, the prosecution side has closed its evidence and the accused persons have been questioned under Section 313 Cr.P.C., and that it is thereafter, the accused has come to engage a new counsel, who had filed a petition under Section 311 Cr.P.C. for recalling certain witnesses, two days later. This delay apart, the petition filed under Section 311 Cr.P.C. does not say the specific aspects, under which, the witnesses are required to be cross examined.



5.This Court, after hearing the learned Additional Public Prosecutor appearing for the respondent finds that in the interest of substantial justice an opportunity may be given to the petitioner to cross examine all the witnesses, viz, PW-1, PW-3, PW-7, PW-8, PW-9, PW-16 and PW-17 on the same day. However, for causing inconvenience to the trial Court, the petitioner is directed to pay a cost of Rs.3,000/- (Rupees Three Thousand only) to the District Legal Aid Service Authority, Trichy District, on or before 05.04.2019. Besides the batta payable to the witnesses, ie., PW-1, PW-3, PW-7, PW-8, PW-9, PW-16 and PW-17 and they are recalled and cross examined on the same day.

6.In view of the above, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

cmr/tsg

To

1.The Principal Sessions Judge, Trichy.

2.The Inspector of Police,
Kollidam Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4.The Secretary, District Legal Services Authority,
Trichy District.

+1 CC to M/s.N.ANANDA KUMAR, Advocate SR-58471.

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01.04.2019

CS: (03/06/2019) 2P 6C