



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]No.3482 of 2019

WEB COPY

Krishnakumar : Petitioner/Petitioner/Sole accused
Vs.

State rep. by
The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Crime No.937 of 2011) : Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the order passed in C.M.P.No.5236 of 2018 in C.C.No.48 of 2012 on the file of the learned Judicial Magistrate No.III, Nagercoil set aside the same.

For Petitioner : Mr.B.Brijesh Kishore
For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in C.M.P.No.5236 of 2018 in C.C.No.48 of 2012 on the file of the learned Judicial Magistrate No.III, Nagercoil.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned Additional Public Prosecutor for the respondent submitted that the trial in this case is yet to be completed.

4. Since the trial has not yet been concluded as listed witnesses Nos.12 and 13 are yet to be examined, this Court considers it appropriate to grant one more opportunity to the petitioner to cross examine P.W.1. The legal purpose is not to deny the opportunity to the accused to establish his case.

5. Having stated thus, this Court also takes note of the judgment of the Hon'ble Supreme Court in **Vinoth Kumar Vs. the State of Punjab [(2015) 1 MLJ (Cr1) 288 (SC)]**. Having held, this Court allows this petition directing the petitioner to pay a sum of Rs.5,000/- as costs to the District Legal Services Authority on or before 14.03.2019, upon which the trial Court is directed to summon



P.W.1 for cross examining and the same shall be completed on the same date.

6. With the above direction, this criminal original petition is disposed of.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.3 , Nagercoil.

2.The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

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

Copy to:

The District Legal Services Authority,
Kanyakumari District, Nagercoil.

1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-52569[F] dated 08/03/2019)

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DS/ /SAR- (13.03.2019) 2P 6C