



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P. (MD)No.5269 of 2019

WEB COPY

S.Manoharan

... Petitioner

Vs.

State of Tamil Nadu

Rep. by The Deputy Superintendent of Police,

Vigilance and Anti-Corruption,

Kanyakumari Detachment at Nagercoil.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Chief Judicial Magistrate Court at Nagercoil, Kanyakumari District in C.M.P.No.577 of 2018, in Special Case No.2 of 2012, on 06.03.2019 and consequently direct the learned Chief Judicial Magistrate Court at Nagercoil, Kanyakumari District to recall P.W.4, P.W.6 and P.W.7 to be cross examined by the defence side.

For Petitioner : Mr.B.Ashok

For Respondent : Mr.K.K.Ramakrishnan

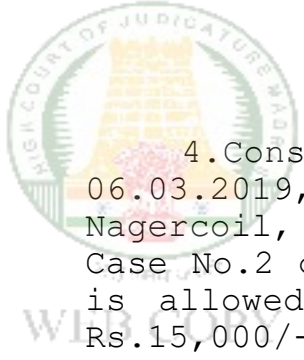
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Chief Judicial Magistrate at Nagercoil, Kanyakumari District, in C.M.P.No.577 of 2018, in Special Case No.2 of 2012, on 06.03.2019 and consequently to direct the learned Chief Judicial Magistrate at Nagercoil, Kanyakumari District, to recall P.W.4, P.W.6 and P.W.7 to be cross examined by the defence side.

2.The learned counsel appearing for the petitioner would submit that if one opportunity is given to the petitioner to recall and cross-examine P.W.4, P.W.6 and P.W.7, the petitioner will be able to prove his case effectively. Hence, he prayed for recalling P.W.4, P.W.6 and P.W.7.

3.The learned Additional Public Prosecutor appearing for the State would submit that the order passed by learned Chief Judicial Magistrate may be set aside and a direction may be issued to recall P.W.4, P.W.6 and P.W.7, provided that the petitioner has to complete the cross examination on 15.05.2019 and the petitioner has to bear the expenditure incurred by the respondent police, for recalling the witnesses.



4.Considering the above said submission, the order, dated 06.03.2019, passed by the learned Chief Judicial Magistrate at Nagercoil, Kanyakumari District, in C.M.P.No.577 of 2018, in Special Case No.2 of 2012, is set aside and this Criminal Original Petition is allowed, with a direction to the petitioner to pay a sum of Rs.15,000/- to the respondent on 15.05.2019. The petitioner has to complete the cross examination of P.W.4, P.W.6 and P.W.7 on 15.05.2019. In the meantime, the petitioner is directed to complete the cross examination of remaining witnesses.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate at Nagercoil,
Kanyakumari District.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Kanyakumari Detachment at Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.B.ASHOK, Advocate (SR-60324[F] dated 11/04/2019)

Crl.O.P. (MD)No.5269 of 2019
10.04.2019

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