



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) .No.5347 of 2019

WEB COPY

Kannan

... Petitioner/Petitioner/Accused No.2

Vs.

The State rep. by
The Sub Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.39 of 2016)

... Respondent/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 Cr.M.P.No.190 of 2018 in S.C.No.177 of 2016, dated 17.09.2018 on the file of the Honourable Sub-Court, Uthamapalayam and to set-aside the same as illegal in respect of disallowing the cross examination of P.W.1.

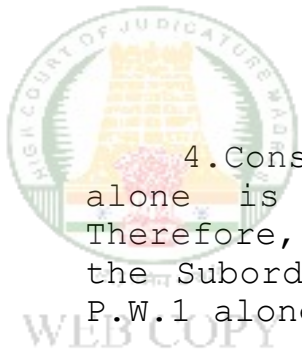
For Petitioner : Mr.N.Satheesh Kumar
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to challenge the order passed in Cr.M.P.No.190 of 2018 in S.C.No.177 of 2016, dated 17.09.2018, there by the trial Court dismissed the application filed by the petitioner under Section 311 of Cr.P.C to cross examine P.W.1 to P.W.5 and dismissed the same insofar as the P.W.1 and P.W.3 and allowed the same insofar as P.W.2, P.W.4 and P.W.5.

2.The learned counsel for the petitioner submitted that there are two accused in this case, in which, the petitioner arrayed as A2. Insofar as the first accused is concerned already cross examination is over in respect of P.W.1 to P.W.3.

3.The trial Court without considering the same dismissed the petition for the reason that P.W.1 and P.W.2 were already cross examined. Though the learned counsel appeared on behalf of A1 and A2, he has cross examined P.W.1 and P.W.3 only in respect of A1 alone. Therefore, he sought for one more opportunity to cross examine P.W.1 and 3.



4.Considering the facts and circumstances of the case, P.W.1 alone is pending for cross examination by the petitioner. Therefore, Cr.M.P.No.190 of 2018 in S.C.No.177 of 2016 passed by the Subordinate Judge, Uthamapalayam is set aside insofar as the P.W.1 alone.

5.The trial Court is directed to fix the date for cross examination of P.W.1. If the petitioner is failed to cross examine the P.W.1 on the date fixed by the trial Court, the trial Court is directed to proceed further in accordance with law.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge,
Uthamapalayam.

2.The Sub Inspector of Police,
Rayappanpatti Police Station,
Theni District.

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

+1 CC to MR.N. SATHEESH KUMAR, Advocate (SR-101759[F] dated 27/11/2019)

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