



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.11995 of 2019

and

CRL.M.P (MD) .No.7531 of 2019

Saravanan @Saravanakumar

... Petitioner/ Accused

Vs.

Inspector of Police

Vembakottai Police Station

Vembakottai, Sattur

Virudhunagar District

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the petition and order in Crl.M.P.No.4588 of 2019 dated 11.07.2019 in C.C.No.84 of 2016 on the file of the Judicial Magistrate No.II, Sattur, set aside the same and allow this Criminal Original Petition.

For Petitioner : M/S.S.Mahalakshmi

For Respondent No.1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for the records relating to the petition and order in Crl.M.P.No.4588 of 2019 dated 11.07.2019 in C.C.No.84 of 2016 on the file of the Judicial Magistrate No.II, Sattur and set aside the same and allow this Criminal Original Petition.

2.The learned Counsel appearing for the petitioner submitted that P.W.3 is the victim girl and P.W.4 is the brother of P.W.3, who are the main witnesses in this case. Unfortunately, at the time of chief examination of P.W.3 and P.W.4, the petitioner could not able to cross examine P.W.3 and P.W.4. Therefore, the petitioner prays one more opportunity for cross examine the P.W.3 and P.W.4.

3.The learned Government Advocate (Crl.Side) submitted that the case is of the year 2016 and P.W.3 and P.W.4 were examined even as



early as in the year 2017 itself. Till 2019, the petitioner has not chosen to cross examine the P.W.3 and P.W.4. When the case was posted on the side of the defence side witness, the petitioner filed the petition for cross examination of P.W.3 and P.W.4. Therefore, the trial Court has rightly rejected the petition.

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4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State and perused the materials available on record.

5. The case of the prosecution is that the petitioner fell in love with the victim girl, viz., P.W.3 and thereafter, they were separated and both were married with other person respectively. In this circumstance, the victim girl is the main witness. Admittedly, the petitioner has not cross examined P.W.3 and P.W.4 till date. In the above circumstances, one more opportunity will be given to the petitioner to cross examine the P.W.3 and P.W.4 on payment of necessary charges.

6. Accordingly, the order passed in Crl.M.P.No.4588 of 2019, dated 11.07.2019 in C.C.No.84 of 2016 on the file of the learned Judicial Magistrate No.II, Sattur is set aside and the learned Magistrate is directed to fix the date for cross examination of P.W.3 and P.W.4 on payment of necessary charges. If the petitioner fails to cross examine the P.W.3 and P.W.4 on that date, the learned Magistrate is directed to proceed with the case in accordance with law.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate No.II
Sattur.
2. Inspector of Police
Vembakottai Police Station
Vembakottai, Sattur
Virudhunagar District



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

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