



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD) No.12268 of 2019

and

Crl.M.P(MD) No.7691 of 2019

Sivaramakrishnan

... Petitioner/Petitioner/Accused

Vs.

The State rep. by  
The Inspector of Police  
Madurai Town AWPS  
Madurai

... Respondent/Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order passed in Cr.M.P.No.255 of 2019 in Spl.S.C.No.48 of 2016 dated 22.03.2019 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai, by allowing this Criminal Original Petition and to permit the petitioner accused to recall PW.1,6 and 7 for the purpose of cross examination.

For Petitioner : Mr M.Gururaj

For Respondent :Mr.K.Suyambulinga Bharathi

Government Advocate(Crl.Side)

### **O R D E R**

This petition has been filed to set aside the order passed in Cr.M.P.No.255 of 2019 in Spl.S.C.No.48 of 2016 dated 22.03.2019 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai

2. The learned counsel for the petitioner submitted that the PW.1,PW6 and PW 7 were examined in chief by the prosecution on 30.01.2017 and 24.08.2017 and due to the inconvenience of the learned counsel appearing for the petitioner, the petitioner could not cross-examine PW.1,PW6 and PW 7, on the date of chief examination itself. Therefore one more opportunity may be given to the petitioner to put fourth his defence. Therefore, he prays to allow this petition.

3. The learned Government Advocate(Crl.Side) would submit that all the witnesses have been examined and the case is posted for arguments . Hence, he prayed for dismissal of this petition.

4. Heard Mr.M.Gururaj the learned counsel for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The crime is of the year 2016. The respondent police has



completed investigation and filed final report before the concerned Court and the case was taken cognizance in Spl.S.C.No.48 of 2016. In the year 2017, PW.1, PW6 and PW 7 were examined in chief. PW 1 is the victim, who is aged about 16 years and it is seen that the petitioner did not cross examine any of the witnesses.

5. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put fourth his defence. Accordingly, the order dated 22.03.2019, passed by the learned Sessions Judge, Mahalir Neethimandram, Madurai in Cr.M.P.No.255 of 2019 in Spl.S.C.No.48 of 2016, is hereby set aside and the trial court is directed to fix the date to cross examine P.W.1 by payment of necessary charges. If the petitioner failed to cross-examine P.W.1 on the date fixed by the trial Court, the trial Court is directed to proceed with trial in accordance with law.

7. With the above directions, this Criminal Original Petition is allowed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Sessions Judge, Mahalir Neethimandram, Madura

2. The Inspector of Police  
Madurai Town AWPS  
Madurai

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

+1 CC to M/s.M. GURURAJ, Advocate ( SR-84954[F] dated 03/09/2019 )

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and

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KM/ (17.09.2019) 2P 6C