



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD) No.12980 of 2019

Durai

... Petitioner

Vs.

The Sub Inspector of Police
Vatchakaranpatti Police Station
Virudhunagar District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order made in Crl.M.P.No.3725 of 2017 in C.C.No.189 of 2014 on the file of Judicial Magistrate No.1, Virudhunagar, dated 21.06.2019 and allow the petition seeking recall the witness namely PWs.1 to 4 and 6.

For Petitioner : Mr T.Selvakumaran

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 Crl.M.P.No.3725 of 2017 in C.C.No.189 of 2014 dated 21.06.2019 on the file of the learned Judicial Magistrate No.1, Virudhunagar

2. The learned counsel for the petitioner submitted that the PW.1 to 6 were examined in chief by the prosecution and the petitioner did not cross examine the prosecution witness for the reason that he made application for free legal service committee by the petitioner for conducting trial on behalf of him. 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. Hence, he prayed for dismissal of this petition.

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



5. The crime is of the year 2014. The respondent police has completed investigation and filed final report before the concerned Court and the case was taken cognizance in C.C.No.189 of 2014 and the prosecution has examined PW 1 to 6 in chief.

6. 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 21.06.2019, passed by the learned Judicial Magistrate No.1, Virudhunagar in CrI.M.P.No.3725 of 2017 in C.C.No.189 of 2014, is hereby set aside and the trial court is directed to fix the date to cross examine P.W.1 to 4 and 6 by payment of necessary charges. If the petitioner failed to cross-examine P.W.1 to 4 and 6 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.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Judicial Magistrate No.1, Virudhunagar
2. The Sub Inspector of Police
Vatchakaranpatti Police Station
Virudhunagar District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M.T.SELVAKUMARAN, Advocate SR-87680.

CrI.O.P(MD) No.12980 of 2019

03.09.2019

CS(27.09.2019) 2P 5C