



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

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

Crl.O.P(MD) No.14956 of 2019

Selvam @ Kolupu Selvam

...Petitioner

-Vs-

The Sub Inspector of Police,
Kadupatti Police Station
Madurai District

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by learned Chief Judicial Magistrate, Madurai passed in Cr.M.P.No.991 of 2019 dated 07.09.2019 and consequently allow the petitioner side to cross examine the Prosecution side witnesses any day as per the convenience of the trial court.

For Petitioner : Mr.K.K.Samy

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

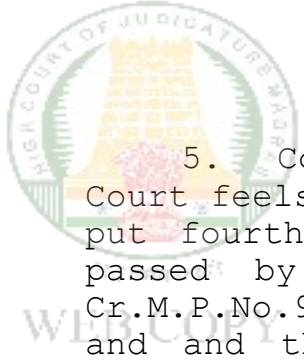
ORDER

This Criminal Original Petition has been filed to set aside the order passed in Criminal Miscellaneous Petition in Cr.M.P.No.991 of 2019 dated 07.09.2019 on the file of the learned Chief Judicial Magistrate, Madurai in S.C.No.667 of 2018.

2. It is seen that the petitioner is the sole accused and he was charged for the offences under Sections 294(b) and 307 of IPC.. The prosecution has examined PW.1 to P.W 5 on 08.07.2019 and P.W 6 to P.W.9 on 09.07.2019 and PW. 10 and 11 on 06.08.2019 and marked exhibits Ex.P.1 to Ex.P.8. It is seen that the counsel was suffering from illness and he could not appear before the trial court and cross examine the witnesses on the date of chief examination, so far as no witnesses have been cross examined by the petitioner. .

3. The learned Government Advocate(Crl.Side) did not dispute the fact submitted by the learned counsel for the petitioner.

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



5. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put forth his defence. Accordingly, the order dated 07.09.2019, passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.991 of 2019 in S.C.No.667 of 2018., is hereby set aside and the trial court is directed to fix the date to cross examining the prosecution witnesses by payment of necessary charges. If the petitioner fails to cross-examine prosecution witnesses 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()

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Chief Judicial Magistrate, Madurai
2. The Sub Inspector of Police,
Kadupatti Police Station
Madurai District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court.

+1CC TO MR.K.K.SAMY, Advocate Sr. No. 93593

Cr1.O.P(MD) No.14956 of 2019
22.10.2019

TR(23.10.2019) 2P 5C