



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.9605 of 2018

WEB COPY

1.Rajan
2.Titus
3.Kanagaraj
4.Vibin

... Petitioners/Petitioners/Accused

Vs

The State rep. by its
Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District
Crime No.57 of 2008

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and set aside the order passed in C.M.P.No.4518 of 2018 in C.C.No.83 of 2009 dated 29.05.2018 on the file of the Judicial Magistrate No.1, Kuzhithurai and allow this criminal original petition in respect of prosecution witnesses P.W.1 to P.W.3 to enable cross examine.

For Petitioners : Mr.S.Sivakumar
For Respondent : Mr.K.Suyambulinga Bharathi,
G.A., (Crl. Side)

O R D E R

This petition has been filed to set aside the order passed in C.M.P.No.4518 of 2018 in C.C.No.83 of 2009 dated 29.05.2018 on the file of the Judicial Magistrate No.1, Kuzhithurai and allow this criminal original petition in respect of prosecution witnesses P.W.1 to P.W.3 to enable cross examine.

2.The learned counsel appearing for the petitioner submits that the petitioner filed a petition to recall the witnesses of prosecution viz., P.Ws.1 to 3, 6 and 7 for cross examination. The trial Court was pleased to allow to recall the witnesses P.Ws.6 and 7 alone and insofar the witnesses P.Ws.1 to 3, the petition was dismissed. Now, the matter has been settled between the petitioner and P.W.1/defacto complainant. Therefore, to record their compromise, it is necessary to recall P.W.1.

3.Heard the learned Government Advocate (criminal side) appearing for the respondent.



4.Considering the facts and circumstances of the case, the order passed in C.M.P.No.4518 of 2018 in C.C.No.83 of 2009 dated 29.05.2018 on the file of the Judicial Magistrate No.1, Kuzhithurai is set aside insofar as P.W.1 alone. The trial Court is directed to fix a date for cross examination of P.W.1 to record compromise. If the petitioner fails to record compromise on the date of hearing fixed by the trial Court, the trial Court is directed to proceed the matter in accordance with law.

5.With the direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1.The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

2.The Judicial Magistrate No.1, Kuzhithurai.

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

+1 CC to Mr.S.SIVAKUMAR, Advocate (SR-96240[F] dated 05/11/2019)

Order made in

CRL.O.P (MD) No.9605 of 2018

05.11.2019

_MK (22.11.2019) 2P 5C