



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.16831 of 2019

and

Crl.M.P.(MD).No.10001 of 2019

Karthik

... Petitioner/Accused

Vs.

The State rep.

The Sub Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai.

(In Crime No.167 of 2017)

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order made in Cr.M.P.No.44 of 2019 in S.C.No.88 of 2018 on the file of the Additional Sub Court, Pudukkottai, dated 09.09.2019.

For Petitioner : Mr.S.Krishnan

For Respondent : Mr.K.Suyambulinga Bharathi

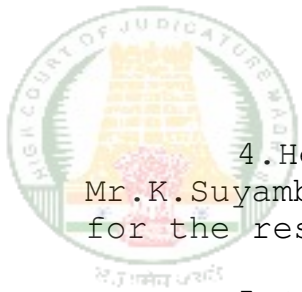
Government Advocate (crl.side)

O R D E R

This petition has been filed challenging the order passed in Cr.M.P.No.44 of 2019 in S.C.No.88 of 2018, dated 09.09.2019, by the Additional Sub Judge, Pudukkottai.

2.The learned counsel appearing for the petitioner submitted that P.W.1 to P.W.7 were examined by the prosecution on 22.03.2019, but on the day due to the inconvenience of the petitioner's lower Court counsel, the petitioner could not able to cross examine the prosecution witnesses, hence, the matter was adjourned for examination of other prosecution witnesses. Thereafter the petitioner has filed a petition under Section 311 of Cr.P.C., before the Court below for recalling and conduct cross examination of the P.W.1 to P.W.7 and the same was dismissed by the Court below. Therefore, one more opportunity may be given to the petitioner to put fourth his defence.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that all the witnesses have been cross examined and the case is posted for defence side evidence. Hence, he prayed for dismissal of this petition.



4. Heard Mr.S.Krishnan, 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 09.09.2019, passed by the Additional Sub Court, Pudukkottai, in Cr.M.P.No.44 of 2019 in S.C.No.88 of 2018, is hereby set aside and the trial court is directed to fix the date to cross examine P.W.1 to P.W.7 by payment of necessary charges. If the petitioner failed to cross-examine P.W.1 to P.W.7 on the date fixed by the trial Court, the trial Court is directed to proceed with trial in accordance with law.

6. 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)

vsg

To

1. The Additional Sub Judge,
Pudukkottai.
2. The Sub Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S. KRISHNAN, Advocate (SR-99844[F] dated 20/11/2019)

Crl.O.P.(MD).No.16831 of 2019
and
Crl.M.P.(MD).No.10001 of 2019
18.11.2019

MK (18.12.2019) 2P 5C

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