



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM

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

CRL.O.P (MD) No.17093 of 2019

and

Crl.M.P.(MD)No.10118 of 2019

K. Karthick

... Petitioner

Vs

The Sub Inspector of Police  
Taluk Police Station  
Dindigul.(In Crime No.660 of 2018)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order in Cr.M.P.No.4695 of 2019 in C.C.No.127 of 2019 dated 21.10.2019 passed by the Learned Judicial Magistrate No.I, Dindigul by allowing this Criminal Original Petition.

For Petitioner : Mr.R.Aravind Raj

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate(crl.side)

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

This petition has been filed challenging the order in Cr.M.P.No.4695 of 2019 in C.C.No.127 of 2019, dated 21.10.2019, passed by the learned Judicial Magistrate No.I, Dindigul, thereby, dismissing the application filed by the petitioner under Section 311 Cr.P.C., to cross-examine the witnesses P.Ws.1 to 10.

2. Heard both sides.

3. It is seen that the petitioner is a sole accused, he has been charged for the offence under Section 304(A) I.P.C. The prosecution side witnesses, P.W.1 to 3 were examined on 02.07.2019, P.W.4 to P.W.8 were examined on 30.07.2019 and P.W.9 and P.W.10 were examined on 26.08.2019. On the date of chief examination, no one was appeared on behalf of the petitioner and as such he would not cross-examine the prosecution witnesses. On that date, the Counsel appeared on behalf of the petitioner before the trial Court did not appear before the trial Court, since he was engaged in Vedasandur



Sub Court for another case on particular date and the above facts and circumstances, the petitioner may be given one more opportunity to cross-examine P.W.1 to 3/eye witnesses and P.W.7/Motor Vehicle Inspector and P.W.10/Investigation officer, and the other witnesses are formal witnesses.

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4. Considering the above facts and circumstances, the petitioner may be given one more opportunity to cross-examine P.W.1 to 3, P.W.7 and P.W.10 alone on payment of necessary charges. Therefore, the order in Cr.M.P.No.4695 of 2019 in C.C.No.127 of 2019 dated 21.10.2019 passed by the learned Judicial Magistrate No.I, Dindigul, is set aside in so far as the witnesses P.W.1 to 3, P.W.7 and P.W.10 are concerned and the petitioner is permitted to cross examine P.W.1 to 3, P.W.7 and P.W.10 on the date fixed by the trial Court and on the next hearing date by payment of necessary charges. If the petitioner failed to cross-examine P.W.1 to 3, P.W.7 and P.W.10, the trial Court is directed to proceed with trial in accordance with law.

5. With the above directions, this Criminal Original Petition is partly allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Judicial Magistrate No.I, Dindigul.

2.The Sub Inspector of Police, Taluk Police Station  
Dindigul.

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

+1 CC to M/s.R. ARVIND RAJ, Advocate ( SR-100058[F] dated 21/11/2019

Order made in  
CRL.O.P (MD) No.17093 of 2019  
21.11.2019

JMN(09.12.2019) 2P : 5C