

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. No. 4363 of 2020

Jayababu

... Petitioner/Accused

Vs.

State Represented by
The Inspector of Police,
Thiruppur North Police Station,
Thiruppur District.
Crime No.685/2016

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 06.02.2020 in Crl.M.P. No.6664/2019 in C.C. No. 218 of 2017 on the file of Learned Judicial Magistrate-I, Thiruppur.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

सत्यमेव जयते

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.6664 of 2019 in C.C.No.218 of 2017, dated 06.02.2020 thereby dismissing a petition filed by the petitioner under Section 311 of Cr.P.C., to cross examine of PW1 and PW-4.

2. The trial Court has taken cognizance for the offence under Sections 279 and 304-A of IPC as against the petitioner. Sofar the prosecution have examined PW-1 and PW-4 in the year 2018 itself, unfortunately, the petitioner failed to cross examine PW-1 and PW-4 on the date of chief examination of PW-1 and PW-4. Therefore, he filed a petition under Section 311 of

Cr.P.C to recall the PW-1 and PW-4 cross examination. Admittedly, PW-1 and PW-4 have not been cross examined by the petitioner sofar.

3. Considering the facts and circumstances of the case, the petitioner shall be given one more opportunity to cross examine PW-1 and PW-4 on payment of necessary charges. If the petitioner fails to cross examine on the day fixed by the trial Court, the trial Court shall proceed the trial in accordance with law. The order of the trial Court in Crl.M.P.No.6664 of 2019 in C.C.No.218 of 2017 dated 06.02.2020 is set aside. This Criminal Original Petition is allowed accordingly.

Sd/-

Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1. Judicial Magistrate Court-I,
Thiruppur.
2. The Inspector of Police,
Thiruppur North Police Station,
Thiruppur District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Ramkumar, Advocate, in C.A.S.R.No.20433 of 2020

CO/rji
adl/27.05.2020

CRL.O.P.No.4363 of 2020

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