

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.03.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5116 of 2020

Narpat Chand Lodha

...Petitioner

-Vs-

State rep by the
Sub Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai District

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to set aside the judgment and order of dismissal of the petition filed under Section 311 Cr.P.C. to permit the petitioner to cross examination of PW1 before the trial court and the same was dismissed by the learned XVI Metropolitan Magistrate, George Town, Chennai, Chennai District in Crl.M.P.No.13106 of 2019 in CC.No.206 of 2015 dated 04.01.2020.

For Petitioner : Mr.S.Thiruvengadam

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

ORDER

This Criminal Original Petition has been filed to to set aside the judgment and order of dismissal of the petition filed under Section 311 Cr.P.C. to permit the petitioner to cross examination of PW1 before the trial court and the same was dismissed by the learned XVI Metropolitan Magistrate, George Town, Chennai, Chennai District in Crl.M.P.No.13106 of 2019 in CC.No.206 of 2015 dated 04.01.2020.

2. The learned counsel for the petitioner submitted that the dispute is between the husband and wife, and only P.W.1 was not cross examined in CC.No.206 of 2015. He further submitted that at the time of chief examination of P.W.1, the petitioner's counsel could not cross examine P.W.1 for his personal inconvenience, therefore, one more opportunity may be given to the petitioner to cross examine P.W.1.

3. Heard Mr.S.Thiruvengadam, the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent.

4. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity for effective trial. Accordingly, the order dated 04.01.2020, passed by the learned XVI Metropolitan Magistrate, George Town, Chennai, Chennai District in CrI.M.P.No.13106 of 2019 in CC.No.206 of 2015, is hereby set aside and the petitioner is permitted to cross examine P.W.1 on the date fixed by the trial court on payment of necessary charges, and if the petitioner fails to cross-examine P.W.1, the trial Court is directed to proceed with trial in accordance with law.

5. With the above directions, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.XVIMetropolitan Magistrate,
George Town, Chennai, Chennai District.

2.The Chief Metropolitan Magistrate,
Egmore, Chennai.

3. Sub Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai District.

4. The Public Prosecutor, High Court, Madras.

+1cc to Mr,.Thiruvengadam, Advocate, SR.No.19175.

MG(CO)
CSR: 05.03.2020

CrI.O.P.No.5116 of 2020