

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5407 of 2020

Syed Mahaboob

.. Petitioner/Accused

/versus/

State rep.by

The Inspector of Police,

Tiruppur North Police Station,

Tiruppur District.

..Respondents /Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside order dated 13.12.2019 passed in the Crl.M.P.No.6971 of 2019 in C.C.No.488 of 2019 pending on the file of the Judicial Magistrate No.1, Tiruppur and thereby allow the petitioner to cross examine PW-1 to PW-3.

For Petitioner : Mr.S.P.Meenakshi Sundharam

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

O R D E R

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.6971 of 2019 in C.C.No.488 of 2019 pending on the file of the Judicial Magistrate No1, Tiruppur, thereby dismissing the petition filed by the petitioner under Section 311 of Cr.P.C.to recall PW-1 to PW-3.

2. The petitioner is facing trial for the offence under Sections 279 and 304(A) of IPC. On 27.11.2019, the prosecution have examined PW-1 to PW-3. On the date of chief examination, the learned counsel for the petitioner was not able to cross examine the prosecution witnesses for his personal inconvenience. Therefore, admittedly, the petitioner did not cross examine PW-1 to PW-3. Therefore, he may be given one more opportunity to cross examine PW-1 to PW-3 on payment of necessary charges. Hence, the trial Court viz., the Judicial Magistrate No1, Tiruppur, is directed to fix a time for cross examination of PW-1 to PW-3 by the learned counsel appearing for the petitioner. If the petitioner fails to cross examine the

witnesses viz., PW-1 to PW-3, the trial Court is directed to proceed the case in C.C.No.488 of 2019 in accordance with law.

3. With the above direction, the criminal original petition is allowed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tiruppur.

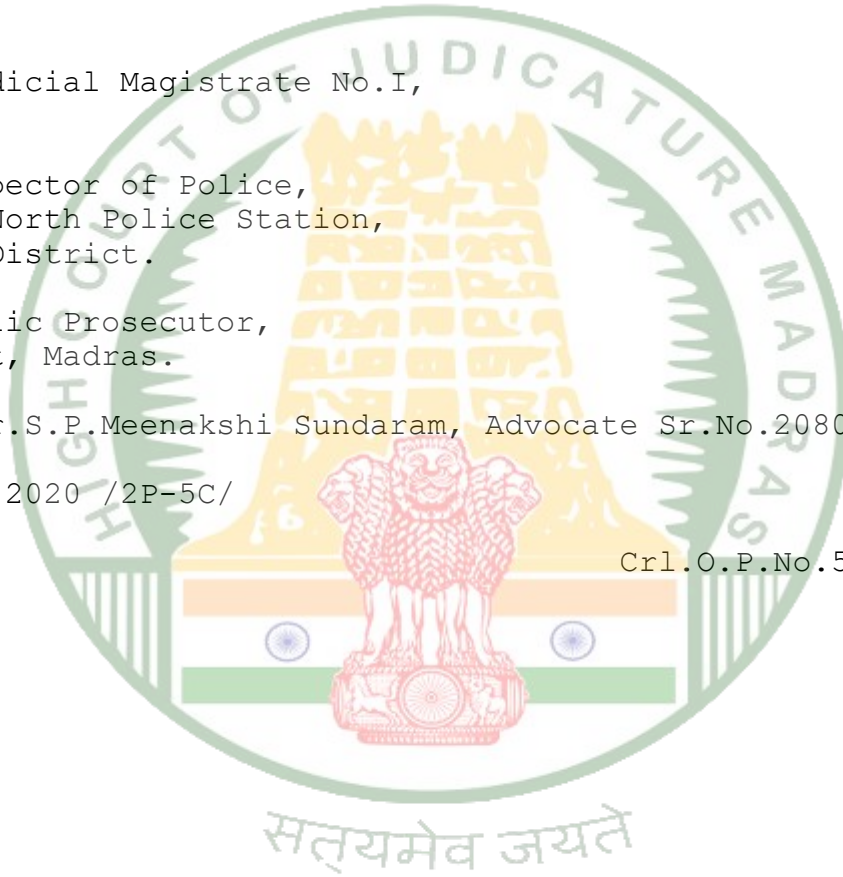
2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.P.Meenakshi Sundaram, Advocate Sr.No.20802

AKM/11.03.2020 /2P-5C/

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