

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5795 of 2020
and
Crl.M.P.No.3301 of 2020

Munna Alias Mohamed Hussain

... Petitioner

Vs.

The State rep by
The Inspector of Police,
North Police Station,
Tiruppur.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 12.02.2020 in C.M.P.No.663 of 2020 in C.C.No.265 of 2019 on the file of Judicial Magistrate No.1, Tiruppur.

For Petitioner : M/s. K.Sudhakar

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

O R D E R

This petition has been filed challenging the order passed in CMP.No.663 of 2020 in CC.No.265 of 2019 on the file of Judicial Magistrate No.1, Tiruppur, thereby dismissing the application filed under Section 311 of Cr.P.C to cross examine PW.5.

2. Admittedly, the petitioner did not cross examine PW.5 on the date of chief examination, namely 28.01.2020, and the counsel appearing for the petitioner could not cross examine PW5 for his personal inconvenience.

3. Heard Mr.K.Sudhakar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

4. Considering the above said circumstances, in order to give one more opportunity to cross examine PW5, the order dated 12.02.2020 passed in C.M.P.No.663 of 2020 is set aside, and the petitioner is allowed to cross examine P.W.5 on the

date fixed by the trial court on payment of necessary charges. If the petitioner fails to cross examine P.W.5 on the date fixed by the trial court, the trial court is directed to proceed with the case in accordance with law.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ebsi

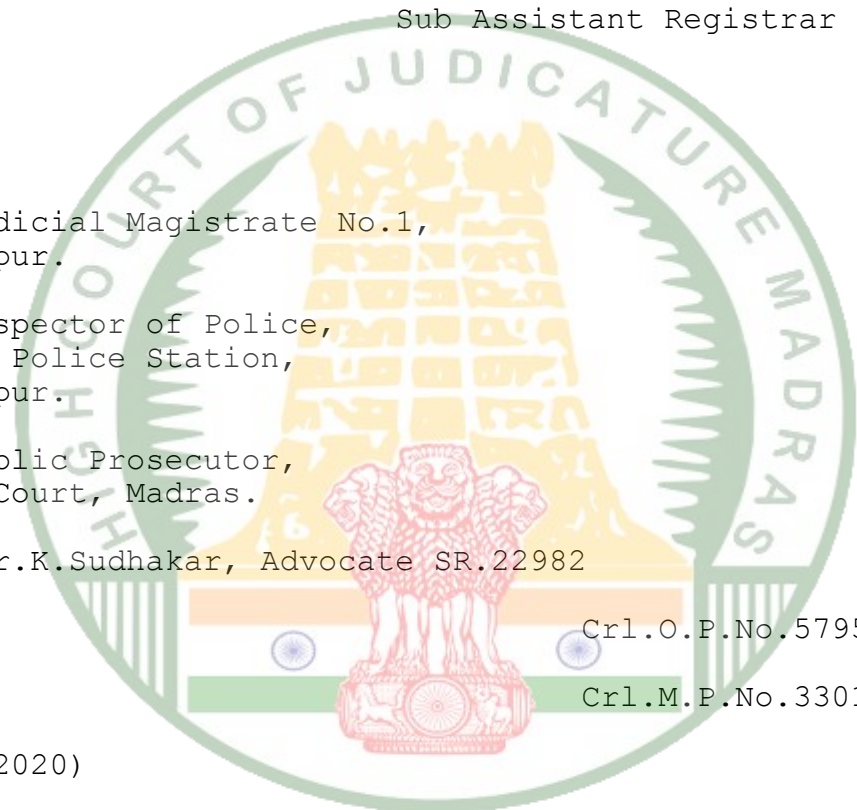
To

1. The Judicial Magistrate No.1,
Tiruppur.
2. The Inspector of Police,
North Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sudhakar, Advocate SR.22982

Cr1.O.P.No.5795 of 2020
and
Cr1.M.P.No.3301 of 2020

AD(CO)
CB(18/03/2020)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The text 'HIGH COURT OF JUDICATURE MADRAS' is written in a green circle around the central image. Below the seal, the motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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