



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.8614 of 2018

Nalliappan

... Petitioner/Accused

Vs.

State by
Sub- Inspector of Police(Crime),
K-7 Crimes, ICF Police Station,
Chennai
Crime.No.1452 of 1998

... Respondent/Complainant

PRAYER:

This Original Petition has been filed under section 482 of Cr.P.C to direct the respondent to produce PW4-PW9 for the purpose of cross examination before the learned V Metropolitan Magistrate, Egmore, Chennai in CC No.1549 of 1999.

For Petitioner : M/S.K.R.Ramesh Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

This Original Petition has been filed under section 482 of Cr.P.C to direct the respondent to produce PW4-PW9 for the purpose of cross examination before the learned V Metropolitan Magistrate, Egmore, Chennai in CC No.1549 of 1999.

2.The case of the prosecution is that the petitioner is an accused in CC No.1549 of 1999. He was implicated for offences under section 39(1) and 44(1)(C) of Indian Electricity Act 1910 in Crime No.1452 of 199. The present petition is filed for production of PW4-PW9 for the purpose of cross examination before the learned V Metropolitan Magistrate, Egmore, Chennai. The PW4 to PW6 were examined on 2.11.2000 and 17.11.2020. However, the petitioner did not cross examine the witness. Thereafter the petitioner filed a petition under section 311 Cr.P.C. However the same was closed. Hence the present petition is filed for above said direction.



3. The learned counsel appearing for the petitioner submits that the petitioner may be permitted to file a 311 petition before the trial court. On filing such petition, the trial court may fix a date for appearance of PW4-PW9. Further the petitioner is ready to bear the cost for the appearance for each witness of Rs.5,000/- each to the prosecution witness.

4. The learned Government advocate (Crl.Side) submits that he has no serious objection to the said prayer.

5. Considering the facts and circumstances of the case, though the no petition was filed before the court, directly the petitioner filed a petition for production of PW4 to PW9, which is unsustainable, however, considering the submissions made by the learned counsel appearing for the petitioner, I am inclined to grant permission to the petitioner to file a 311 petition before the trial court. If any such petition is filed, the trial court may consider the same sympathetically and fix a date for the appearance of PW4 to PW9 on payment of cost as fixed by the trial court and on the same day of their appearance, the petitioner has to cross examine the witness without seeking any further adjournment.

6. With the above observations, the petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skt

Copy To

1. The Sub-Inspector of Police (Crime),
K-7 Crimes, ICF Police Station,
Chennai.

2. The V Metropolitan Magistrate,
Egmore, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.47410

CRL.O.P.No.8614 of 2018

VG-II(CO)
CB(12/11/2021)