

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.6117 OF 2021
AND CRL MP NO.4029 OF 2021

Dhanalakshmi

...Petitioner

Vs.

Inspector of Police,
Kondalampatti Police Station,
Salem

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. To set aside the order dated 02.03.2021 made in Crl MP No.65 of 2021 in S.C.No.84 of 2017 on the file of the III Additional District Court, Salem.

For Petitioner : Mr.K.S.Karthik Raja
For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

This Criminal Original petition has been filed challenging the condition imposed by the Court below while allowing the application filed by the petitioner under Section 311 of Cr.PC to recall PW8 to PW12 for cross-examination.

2.The petitioner is facing trial before the Court below for an offence under Section 302 of IPC. The petitioner filed an application to recall PW8 to PW12 for cross-examination. This application was allowed by the Court below by imposing a condition to the petitioner to deposit a sum of Rs.1,000/- for each witness totalling a sum of Rs.5,000/- on or before 19.03.2021, failing which the application will stand dismissed. Aggrieved by this condition, the petitioner has approached this Court by filing the present petition.

3.Heard the learned counsel for the petitioner and MR.C.Raghavan, learned Government Advocate for the respondents.

4.Taking into consideration the facts and circumstances of the case, this Court is not inclined to interfere with the

condition imposed by the Court below. However in order to afford an opportunity to the petitioner to cross-examine the witnesses, the time granted by the Court below to deposit the cost is extended and the petitioner is directed to deposit the cost on or before 07.04.2021. It is made clear that if the petitioner fails to deposit the cost within the time stipulated by this Court, the default clause imposed by the Court below while passing the order will come into force.

5.This Criminal Original Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is also closed.

s/d-
Assistant Registrar(I)

True Copy

Sub-Assistant Registrar

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To

1. The III Additional District Judge, Salem.
2. Inspector of Police,
Kondalampatti Police Station,
Salem
3. The Additional Public Prosecutor,
High Court, Madras

+lcc to M/s.K.S.Karthick Raja, Advocate, Sr.No.20252

Cr1.O.P.No.6117 of 2021

RP (CO)
KKV/01/04/2021

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