



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.14785 of 2021
and
Crl.M.P(MD)No.7858 of 2021

A.Balakrishnan ... Petitioner/Petitioner/Accused No.1
Vs.

State through,
Inspector of Police,
CCIW CID,
Nagercoil,
Kanyakumari District. ... Respondent/Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.9968 of 2019, C.C.No.49 of 2006 on the file of the Judicial Magistrate No.II (CCIW-Special Court), Tirunelveli

For Petitioner : Mr.G.Ramanathan
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed in Crl.M.P.No.9968 of 2019, C.C.No.49 of 2006 on the file of the Judicial Magistrate No.II (CCIW-Special Court), Tirunelveli.

2.The petitioner has filed a 311 Cr.P.C. petition in Cr.M.P.No.9968 of 2019 to recall P.W.35 in C.C.No.49 of 2006. The same was dismissed on the ground of delay.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor submits that totally three accused persons are involved in the case and one by one coming this Court seeking set aside the order passed in 311 Cr.P.C. Petition.

4.Since there are only three accused persons in this matter, to address their grievance, there shall be a direction to the learned Judicial Magistrate No.II, (CCIW-Special Court), Tirunelveli, to permit all the accused persons to cross examine the Investigating Officer without awaiting for any orders from this Court in future.



5.With the above directions, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

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/ /2021

Sub Assistant Registrar(CS)

TM

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.II, (CCIW-Special Court),
Tirunelveli,

2.The Inspector of Police,
CCIW CID,
Nagercoil,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.RAMANATHAN, Advocate (SR-31252[F] dated 05/10/2021)

CrI.O.P. (MD)No.14785 of 2021

and

CrI.M.P (MD)No.7858 of 2021

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MGJ/PM(02.11.2021) 2P 5C