



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

CrI.O.P.(MD)No.14802 of 2021
and
CrI.M.P(MD)No.7868 of 2021

A.Balakrishnan

...Petitioner/Petitioner/Accused No.1
Vs.

State through,
The 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 CrI.M.P.No.9970 of 2019, C.C.No.46 of 2006 on the file of the Judicial Magistrate No.II (CCIW-Special Court), Tirunelveli.

For Petitioner
For Respondent

: Mr.G.Ramanathan
: Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed in CrI.M.P.No.9970 of 2019, C.C.No.46 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.9970 of 2019 to recall P.W.35 in C.C.No.46 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 are coming this Court seeking set aside the order passed in 311 Cr.P.C. Petition.

4.In the nature of the case, the trial Court was not in a position to allow these applications. 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 (AS)

WEB COPY // True Copy //

/ /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-31254[F] dated 05/10/2021)

CrI.O.P. (MD)No.14802 of 2021

and

CrI.M.P (MD)No.7868 of 2021

01.10.2021

MGJ/UV(09.11.2021) 2P 5C