



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13829 OF 2022

Kasilingam

... Petitioner

.Vs.

The State Rep. by
The Inspector of Police,
CCIWCID - Namakkal,
Namakkal District.
(Crime No.3 of 2008)

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 06.04.2022 passed in C.M.P.No.43 of 2022 in C.C.No.603 of 2020 on the file of the learned Judicial Magistrate No.II, Namakkal.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 06.04.2022 passed in C.M.P.No.43 of 2022 in C.C.No.603 of 2020 on the file of the learned Judicial Magistrate No.II, Namakkal, dismissing the application filed by the petitioner under Section 311 Cr.P.C. for cross examining P.Ws.1 to 3, 47, 48 and 50.

2. Though the reasons assigned by the petitioner was not properly appreciated and accepted by the trial Court, mere long delay will not take away the right for effective cross examination.



3. Considering the above fact, in order to give a fair opportunity to the petitioner, finally a last change is given to the petitioner for cross examining the said witnesses.

4. Accordingly, the petitioner is permitted to cross examine the witnesses viz., P.Ws.1 to 3, 47, 48 and 50 subject to payment of cost of Rs.20,000/- (Rupees Twenty Thousand Only) towards the cost to the witnesses which shall be deposited before the trial Court and the trial Court shall disburse the said amount to the witnesses equally after completion of their cross examination. The trial court shall fix a date for cross examining the above witnesses and the witnesses to be cross examined on the day when they appear before the trial Court and the cross examination shall be completed on the same day or maximum within 2 days thereafter. In the event of failure or delay or any tactics appears to be adopted by the petitioner, the petitioner will lose the right of cross examining the witnesses and thereafter, the trial Court shall proceed further as per law and dispose of the case within a period of 3 months.

5. With the above directions, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ksa-2/nr

To

1. The Judicial Magistrate No.II,
Namakkal.
2. The Inspector of Police,
CCIWCID - Namakkal,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.36703

CRL.O.P.NO.13829 OF 2022

KV(CO)
PBS/04/07/2022