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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.13821 of 2022 and
Crl.M.P.No.7485 of 2022

1. Murugan
2. Rangan
3. Parvathi

...Petitioners

Vs.

Deputy Superintendent of Police
AWPS, Perur Sub-Division,
Coimbatore,
Crime No.06 of 2015

...Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 28.04.2022 passed in Crl.M.P.No.2100 of 2022 in S.C.No.140 of 2019 on the file of the Sessions Judge, Mahaleer Neethimandam (Mahila Court), Coimbatore.

For Petitioners : Mr.C.D.Sucumar

For Respondent : Mr.Leonard Arul Joseph Selvam for R2
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed seeking to set aside the order dated 28.04.2022 passed in Crl.M.P.No.2100 of 2022 in S.C.No.140 of 2019 on the file of the Sessions Judge, Mahaleer Neethimandam (Mahila Court), Coimbatore, rejecting the petition filed under Section 311 Cr.P.C. for cross examining P.Ws.1 to 12 who were examined two years back.

2. The trial Court taking note of the conduct of the petitioner and also the fact that there was no satisfactory explanation given in the petition, had dismissed the petition. The order of the trial Court on merits does not require any interference. However, taking note of the fact that the accused have been charged for the offences under Sections 498(A) and 306 IPC and now the learned counsel for the petitioners submitted that they are ready to abide by any condition and since, they



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are restricted to cross examine only few of the witnesses viz., P.Ws.1 to 4, 6, 11 and 12, irrespective of merits, in order to give a fair opportunity to the petitioners, finally a last change is given to the petitioners for cross examining the said witnesses.

3. Accordingly, the petitioners are permitted to cross examine the witnesses viz., P.Ws.1 to 4, 6, 11 and 12, subject to payment of cost of Rs.20,000/- (Rupees Twenty Thousand Only) towards 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 examination and thereafter, the trial Court shall proceed further as per law and dispose of the case within a period of 3 months.

4. With the above directions, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ksa-2/nrc

To

1. The Sessions Judge,
Mahaleer Neethimandam (Mahila Court), Coimbatore.

2. Deputy Superintendent of Police
AWPS, Perur Sub-Division,
Coimbatore,

3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.C.D.Sucumar, Advocate Sr.NO. 364095

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pmk (CO)

A.SK(01/07/2022)