



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.6471 of 2022

Arumugasamy

... Petitioner/Accused

Vs.

The State Represented by
The Sub-Inspector of Police,
Couttralam P.S.

... Respondent/Plaintiff

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for records relating to the order passed by the learned District Munsif Cum Judicial Magistrate Court, Shencottah in Crl.M.P.No.7170 of 2021 in C.C.No. 446 of 2013 dated 16/11/2021 and set aside the same and such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.K.Vadivelu
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side)
for R1

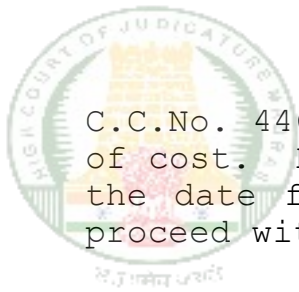
ORDER

This Criminal Original Petition has been filed to set aside the impugned order passed by the learned District Munsif Cum Judicial Magistrate, Shencottah in Crl.M.P.No.7170 of 2021 in C.C.No. 446 of 2013 dated 16.11.2021.

2.The petitioner is the sole accused and he has been charged for the offences punishable under Section 279, 338, 304(A) IPC. The prosecution has examined PW1's chief examination on two occasions, ie., on 24.08.2018 and 31.12.2018. However, the petitioner's counsel was not in station and as such the petitioner could not able to cross examine PW1. Thereafter, due to COVID-19 pandemic circumstances, the petitioner could not file petition to cross examine PW1. The Court below dismissed the petition on the ground that the petitioner filed this petition, only to drag on the proceedings.

3.Admittedly, the petitioner did not cross examine PW1, who is the eye witness to the occurrence. Considering the above, the petitioner may be given one more opportunity to cross examine PW1, on payment of cost, on the date fixed by the trial Court.

4.In view of the above, this Criminal Original Petition is allowed and the impugned order passed by the learned District Munsif Cum Judicial Magistrate, Shencottah in Crl.M.P.No.7170 of 2021 in



C.C.No. 446 of 2013 dated 16.11.2021 is hereby set aside, on payment of cost. However, if the petitioner failed to cross examine PW1, on the date fixed by the trial Court, the trial Court is directed to proceed with the trial, in accordance with law.

WEB COPY

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 District Munsif Cum Judicial Magistrate, Shencottah
- 2.The Sub-Inspector of Police,
Coutralam P.S.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. VADIVELU, Advocate (SR-17089[F] dated 07/04/2022)

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KS (CO)
KB(21.04.2022) 2P 5C