



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.5831 of 2022

Seenivasan

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
(Cr.No.587 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the order dated 22.02.2022 made in Crl.M.P. No.5406 of 2021 in C.C.No.26 of 2020 pending trial on the file of the learned Chief Judicial Magistrate, Sivagangai and set aside the same.

For Petitioner : Mr.D.Venkatachalam

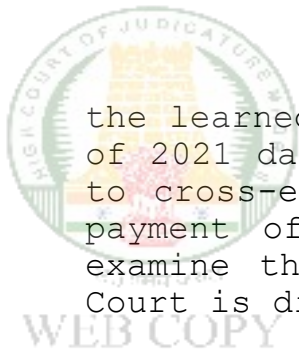
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Chief Judicial Magistrate, Sivagangai in Crl.M.P.No.5406 of 2021 dated 22.02.2022, thereby dismissing the petition filed under Section 311 of Cr.P.C.

2. The petitioner is the sole accused in C.C.No.26 of 2020 charged for the offences punishable under Section 304 A of IPC. There are totally 13 witnesses out of which 7 witnesses have been examined by the prosecution so far. Out of the seven witnesses, the petitioner cross-examined 6 witnesses except PW-1. The PW-1 was examined on 14.09.2020 and on the same day, the petitioner failed to cross-examine the PW-1 due to non-availability of his counsel. However, he examined other witnesses in full.

3. The PW-1 is one of the injured key witnesses and as such, the petitioner may be given one more opportunity to cross-examine him on payment of necessary costs. Accordingly, the order passed by



the learned Chief Judicial Magistrate, Sivagangai in Crl.M.P.No.5406 of 2021 dated 22.02.2022 is set aside. The petitioner is permitted to cross-examine the PW-1 on the date fixed by the Trial Court on payment of necessary costs. If the petitioner failed to cross-examine the PW-1 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

4. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Chief Judicial Magistrate Court,
Sivagangai.

2.The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.

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

+1 CC to M/s.D.VENKATACHALAM, Advocate (SR-15786[F] dated 31/03/2022)

Crl.O.P(MD) .No.5831 of 2022

30.03.2022

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