



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.20367 of 2021

Mahendran

... Petitioner/Petitioner/
Sole Accused

Vs.

The State represented by
The Drugs Inspector,
Thanjavur Range - I,
O/o the Assistant Director of Drugs Control,
Thanjavur Zone,
No: 2975 Gandhiji Road,
Thanjavur District.

... Respondent/ Respondent/
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records made in C.M.P.No.2077 of 2021 in S.T.C.No.1253 of 2017 on the file of the Judicial Magistrate, Thiruvaiyaru, Thanjavur District, dated 24.11.2021 and set aside the same.

For Petitioner : Mr.A.Joseph Jerry

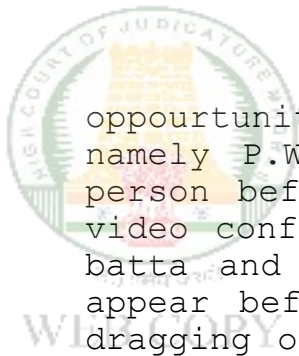
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2. The petitioner is the sole accused in S.T.C.No.1253 of 2017 on the file of Judicial Magistrate, Thiruvaiyaru, Thanjavur District. The petitioner is facing trial for the offences under Section 27(d) of Drugs and Cosmetics Act. The petitioner now wants to recall and cross examine P.W.1 and P.W.2. The Court below dismissed the recall petition by pointing out that the petitioner failed to avail the opportunities granted on the previous occasions. The reasons assigned by the Court below cannot be faulted.

3. Though the approach of the Court below is fully justified, in the interest of justice, I am inclined to grant one more
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oppourtunity to the petitioner. However, the two official witnesses namely P.W.1 and P.W.2 need not appear once again physically in person before the trial Court. They can be cross examined through video conferencing itself. The petitioner ofcourse has to pay the batta and other process fees. As and when the official witnesses appear before the Court below through video conferencing, without dragging on the matter the petitioner shall cross examine the said witnesses. If the petitioner adopts any delaying tactics, the Court below will close the prosecution side and proceed to examine the remaining witnesses.

4. In this view of the matter, the order impugned in this Criminal Original Petition is set aside. This criminal Original Petition is allowed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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.Judicial Magistrate,
Thiruvaiyaru,
Thanjavur District.

2.The Drugs Inspector,
Thanjavur Range - I,
O/o the Assistant Director of Drugs Control,
Thanjavur Zone,
No: 2975 Gandhiji Road,
Thanjavur District.

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

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