



Crl.O.P.No.12494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12494 of 2023

Ranganathan

...Petitioner

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Tiruvannamalai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 08.05.2023 passed in Crl.M.P.No.2987 of 2023 in C.C.No.6 of 2018 on the file of Judicial Magistrate-I, Thiruvannamalai and permit the petitioner to cross examine the prosecution witnesses (PW-1 to PW-2) in C.C.No.6 of 2018.

For Petitioner : Mr.S.Velmurugan

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

ORDER



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This Criminal Original Petition is filed to set aside the order dated 08.05.2023 passed in Crl.M.P.No.2987 of 2023 in C.C.No.6 of 2018 on the file of Judicial Magistrate-I, Thiruvannamalai and permit the petitioner to cross examine the prosecution witnesses (PW-1 to PW-2) in C.C.No.6 of 2018.

2. It is the submission of the learned counsel for the petitioner that PW1 to PW12 had been examined. When they were examined in chief, they were not cross examined, for the reason that, petitioner was not able to give instructions to his counsel for cross examination with regard to documents. Unless petitioner is permitted to cross examine PW1 to PW12, petitioner would be seriously prejudiced.

3. Learned Government Advocate (Criminal side) opposed this petition, on the ground that the accused had deliberately not cross examined PW1 to PW12. Subsequently, 1st accused filed petition in Crl.M.P.No.4105 of 2022 for recalling of PW1 to PW12. That petition was dismissed by the trial Court. Against the said Order, 1st accused filed Crl.O.P.No.3598 of 2023. This Court allowed the petition, with condition of payment of costs of Rs.5,000/- to each



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witnesses. After the Order of this Court, 1st accused cross examined PW1 to PW5 and remaining witnesses are yet to be cross examined.

4. Considered the submissions and perused the records.

5. From the submission of the learned counsel for the parties, it is clear that, both the accused had not cross examined PW1 to PW12, when they were examined in chief. Finding that cross examination of the witnesses is absolutely necessary for unearthing the truth, this Court passed an order in Crl.O.P.No.3598 of 2023 for recalling of PW1 to PW12, on payment of costs. The petitioner should have filed recalling petition along with 1st accused. The fact that, they are taking turns in filing 311 Cr.P.C petitions for cross examination of PW1 to PW12, shows that petitioner's only aim is to protract the proceedings. As rightly pointed by the learned Judicial Magistrate, cross examination of witnesses should be completed on the same day.

6. In view of the submission of the learned Government Advocate (Criminal side) that, PW6 to PW12 are yet to be cross examined, this Court directs the learned Judicial Magistrate No.I, Thiruvannamalai to permit the



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petitioner also to cross examine PW6 to PW12. As far as the claim of the petitioner for cross examining PW1 to PW5 is concerned, this Court is of the view that, modus operandi of the petitioner, in taking turns in filing 311 Cr.P.C petitions cannot be appreciated and encouraged and therefore, dismisses the petition, as far as the prayer for cross examination of PW1 to PW5 are concerned.

7. Accordingly, this Criminal Original Petition is disposed of, with the above directions.

06.06.2023

Internet :Yes
Index :Yes/No
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- To:
- 1.The Judicial Magistrate-I, Thiruvannamalai
 - 2.The Inspector of Police,
District Crime Branch,
Tiruvannamalai.
 - 3.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.



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