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Crl.O.P.No.27190 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27190 of 2023

Lenin Karthik

... Petitioner

-VS-

The State,
Rep. by The Inspector of Police,
Walajapet Police Station,
Crime No.688 of 2019.

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order made in Crl.MP.No.210/2023 in CC.No.27/2021 dated 09.02.2023 on the file of the Judicial Magistrate No-II, Walajapet, Vellore District and directing the Judicial Magistrate No-II, Walajapet to recall and reexamine the prosecution witness No.10, u/s 311 of Cr.PC.

For Petitioner : Mr.Arun Kasi

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petition is filed to recall the Investigation Officer (P.W.10) on the ground that on the day of examining the Investigation Officer, the learned counsel for accused was not available, but on the instructions of the Presiding

<https://www.mhc.tn.gov.in/judis>



Officer, the accused himself cross examined the Investigation Officer (P.W.10).

Few more questions regarding contradictions not been put to the Investigation Officer, since the accused is not legally equipped. The petition filed to recall was dismissed by the trial Court vide order dated 09.02.2023, hence the present petition.

2. This Court on perusing the records find that an opportunity must be given to the accused was not equipped with proper legal assistance on the day when Investigation Officer was cross examined, hence the petition is *allowed* and the order of the trial Court is set aside.

3. The trial Court shall summon the Investigation Officer (P.W.10) for further cross examination and on the date of his appearance, the accused shall complete the cross examination without fail. In any case, if he fails to avail the opportunity, there will not be any further opportunity to cross examine the Investigation Officer.

01.12.2023

Internet : Yes/No
Index : Yes/No
rkp



To

1.The Judicial Magistrate No-II,
Walajapet, Vellore District.

2.The Inspector of Police,
Walajapet Police Station.

3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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