

In Re: Muthiah Chetty

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SooperKanoon Citation : sooperkanoon.com/802955

Court : Chennai

Decided On : Dec-11-1923

Reported in : 81Ind.Cas.44

Judge : Wallace, J.

Appellant : In Re: Muthiah Chetty

Judgement :

ORDER

Wallace, J.

1. No Magistrate or Court can refuse to allow an accused person to cross-examine prosecution witnesses, before charge is framed, and the Magistrate's procedure in refusing to allow such cross-examination was most irregular and in contravention of the law. Without going into the larger question whether that procedure has rendered illegal the charge framed on evidence so irregularly taken, I consider that the fairest course to the accused is to cancel the charge and direct that the cross-examination of the witnesses be now permitted. I direct accordingly.