

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20059 & 20060 of 2015

and M.P. No.1 & 1 of 2015

R.Prakash .. Petitioner in both Crl.OPs.

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal. ...Respondent in both Crl.OPs.

Common Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C., praying to set aside the order dated 30.06.2015 in Crl.M.P.No.2272 of 2015 and Crl.M.P.No.65 of 2015 respectively in C.C.No.33 of 2008 on the file of Judicial Magistrate, Rasipuram.

For Petitioner :Mr.S.Sithirai Anandam [in both Crl.OPs]
For Respondent :Mr.C.Emalias [in both Crl.OPs]
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed praying to set aside the order dated 30.06.2015 in Crl.M.P.No.2272 of 2015 and Crl.M.P.No.65 of 2015 respectively in C.C.No.33 of 2008 on the file of Judicial Magistrate, Rasipuram.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is seen that the final report in these cases were filed in the year 2008 and after examination of prosecution witnesses, the petitioner was examined under Section 313 Cr.P.C., Thereafter, the petitioner was given enough time for defence evidence. At that juncture, the petitioner filed petitions under the Sections 91 Cr.P.C., and 311 Cr.P.C., to examine the Inspector of Police as defence witness, for the purpose of marking a complaint that is alleged to have been given by this petitioner against the defacto-complainant in the year 2008. The Trial Court after hearing both sides, has dismissed Crl.M.P.No.65 of 2015 by a well considered order dated 30.06.2015.

4. Mr.S.Sithirai Anandam, the learned counsel appearing for the petitioner submitted that the petitioner should be given a fair opportunity, for disproving the prosecution case. This Court has no quarell with his submissions.

5. However, on a reading of the petition filed by the petitioner in C.M.P. No.2272 of 2015, it is seen that the petitioner has not even given any details about the documents which he wants to summon and he has also not stated as to how they are relevant for the just decision of the case. In State of Orissa Vs Debendra Nath Padi [2004 AIR SCW 6183], the Hon'ble Supreme Court has held that a petition under Section 91 Cr.P.C., cannot be filed for making a roving enquiry.

6. In this case, the learned Trial Judge has passed a detailed order, wherein he has noticed that the petitioner has been prolonging the case by not cross-examining the prosecution witnesses.

7. In the result, there is no infirmity in the orders passed by the Trial Court and these petitions are dismissed as devoid of merits. Consequently, connected miscellaneous petitions are also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal.

2.The Public Prosecutor
High Court, Madras.

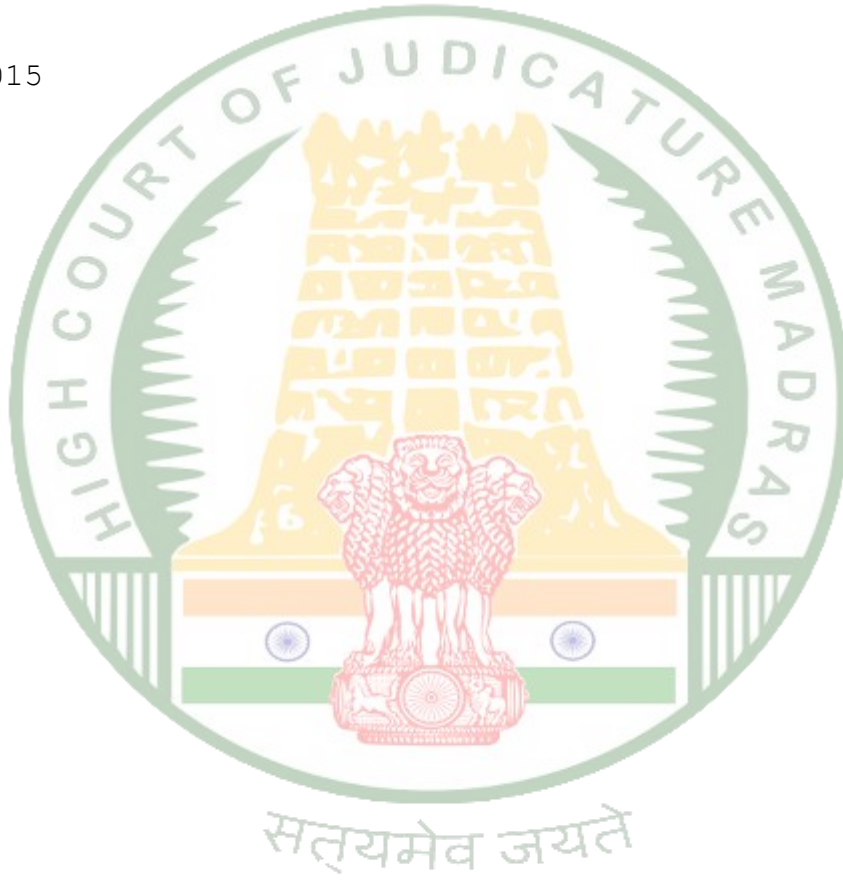
3.The Judicial Magistrate,
Rasipuram

4.Do Throu The Chief Judicial Magistrate
Namakkal

+1 cc to M/S.S.Sithirai Anandam Advocate sr.41770

Cr1.OP No.20059 & 20060 of 2015

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