

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.24439 of 2015 &
M.P.No.1 of 2015

State represented by
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore district.
(Crime No.576 of 2011) ..Petitioner/Complainant

Vs.

1. M. Suresh,
2. M. Sohanlal .. Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order passed by the District Magalir Sessions Court, Cuddalore in Crl.M.P.No.584 of 2014 in S.C.No.10 of 2012 dated 18.12.2014 and direct the trial court to examine the five witnesses stated in the petition as additional witnesses on the side of the prosecution before the trial court.

For Petitioner : Mr.C. Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed by the prosecution to set aside the order passed by the District Magalir Sessions Court, Cuddalore in Crl.M.P.No.584 of 2014 in S.C.No.10 of 2012, dated 18.12.2014 and direct the trial court to examine the five witnesses stated in the petition as additional witnesses on the side of the prosecution before the trial court.

2. Heard the learned Additional Public Prosecutor.

3. It is seen that the deceased Meera was married to one Suresh (A1) and their marriage ran into rough weather. On account of some dispute, they got estranged. Meera committed suicide. Pursuant to which, a case in Crime No.576 of 2011 was registered against the accused for an offence under Section 306 of IPC. The family of Meera were not satisfied with the investigation, as they were alleging that Meera was murdered.

4. An application for further investigation was filed which came to be dismissed by the trial Court in Crl.M.P.No.192 of 2012, aggrieved by which, the State approached this Court in Crl.R.C.No.967 of 2012 and that was also dismissed on 19.3.2013. Trial commenced in this case and several prosecution witnesses were examined to prove the charge. The prosecution witnesses did not support the case of the police. While so, the police have filed Crl.M.P.No.584 of 2014 in S.C.No.10 of 2012 to examine one Kukkidevi, mother of the deceased Meera and Surajmal, a relative of the deceased Meera as additional witnesses under section 311 of Cr.P.C. The petition filed by the prosecution was dismissed by the trial court by a well considered order dated 18.12.2014, challenging which, the prosecution is now approaching this court in September, 2015 by filing the present criminal original petition. On a reading of the impugned order, this Court does not find any infirmity therein and the learned trial Judge has given cogent reasons for declining the request of the prosecution. In fact, the prosecution themselves have not made out a credible case for summoning those two witnesses.

5. In the result, there is no infirmity in the order passed by the Court below and this petition stands dismissed. Consequently, the connected M.P.No.1 of 2015 is closed.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

msr/sms

To

1. The Sessions Judge,
District Magalir Sessions Court, Cuddalore
2. The Inspector of Police,
Thirupapuliur Police Station,
Cuddalore district.
3. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.24439 of 2015

CO-VGI
JD 15/10/2015

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