

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.27437 of 2015

1.Prince Devadson
2.Immanuvel Abraham
3.Daisy Immanuvel

... Petitioners

Vs

State by
The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam, Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the learned Chief Metropolitan Magistrate at Egmore-Chennai in Crl.M.P.No.5364 of 2014 in C.C.No.16336 of 2008 dated 22.9.2015 and permit the petitioners to recall P.W.1 for further cross examination.

For Petitioners : Ms.A.Madhumathi

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed by the petitioners to set aside the order dated 22.9.2015 passed by the learned Chief Metropolitan Magistrate at Egmore, Chennai made in Crl.M.P.No.5364 of 2014 in C.C.No.16336 of 2008 and permit them to recall P.W.1 for further cross examination.

2. The petitioners have been arrayed as A.1 to A.3 in C.C.No.16336 of 2008. The first petitioner is the husband of

the de facto complainant viz., Salomi Jayabalan and petitioners 2 and 3 are father and mother of the first petitioner. The complaint lodged by the de facto complainant was registered under Sections 498(A) and 406 I.P.C. and Sections 4 and 6 of the Dowry Prohibition Act. In the said case, totally eight witnesses were examined. P.W.8 was examined on 17.12.2013. At this juncture, the petitioners herein filed a petition under Section 311 Cr.P.C. on 4.8.2014 to recall P.W.1 for the purpose of cross examination. In the said petition, it has been stated that during the course of cross examination of P.W.1, due to oversight, certain important questions were omitted to be put to the witnesses in respect of the earlier matrimonial proceedings between the first petitioner and P.W.1, which is very much necessary to prove the innocence of the petitioners. The said petition was dismissed by the learned Chief Metropolitan Magistrate at Egmore, Chennai. Hence, the present petition.

3. On a perusal of the order impugned, I find that the learned Chief Metropolitan Magistrate at Egmore, Chennai has stated that the petitioners under the pretext of recalling P.W.1, have filed the petition only with an intention to drag on the proceedings. I do not find any error on the said reasoning assigned by the learned Chief Metropolitan Magistrate, particularly, considering the averments made in the petition filed by the petitioners herein under Section 311 Cr.P.C. and the petition has been filed only by making bald statements, without any particulars. Hence, the learned Chief Metropolitan Magistrate at Egmore, Chennai has rightly dismissed the petition and I do not find any valid reason to interfere with the same.

4. In fine, the criminal original petition is dismissed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbi

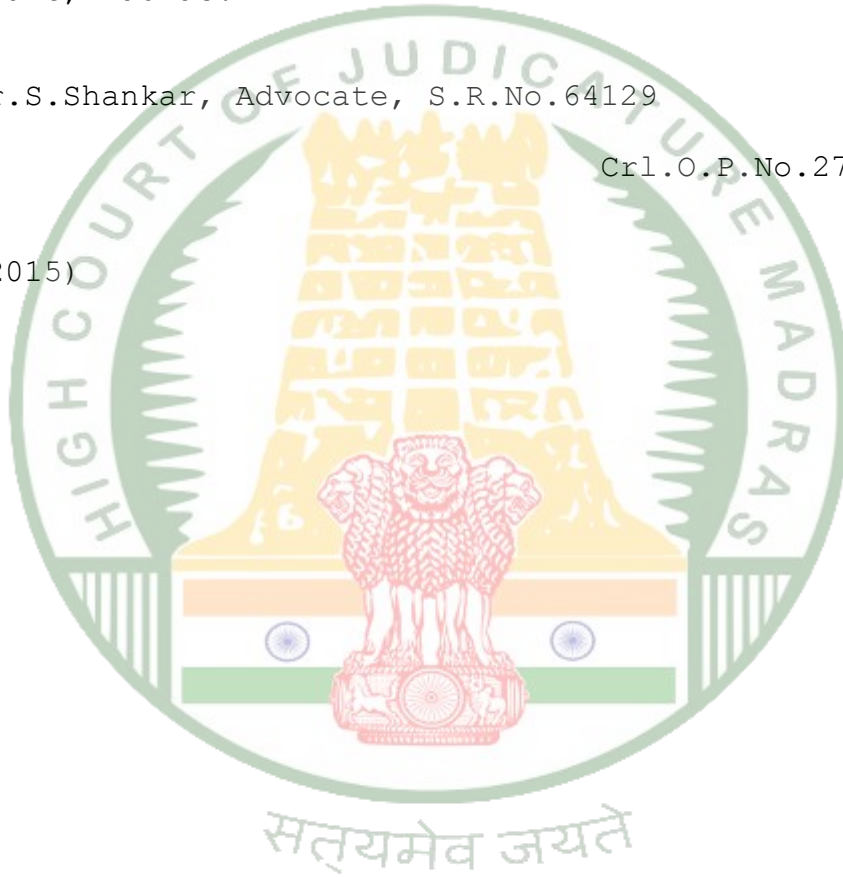
To

1. The Chief Metropolitan Magistrate,
Allikulam, Chennai.
2. The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Shankar, Advocate, S.R.No.64129

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PA(CO)
CA(16/12/2015)



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