



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED :17.03.2015  
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P.(MD)No.444 of 2015  
and  
M.P(MD)No.1 of 2015

Saravanan

..Petitioner

Vs

The Inspector of Police,  
Aranthangi Police Station,  
Aranthangi,Pudukkottai District.

..Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to set aside the order in Cr.M.P.No.152 of 2014 in S.C.No.34 of 2013 on the file of the Learned District Sessions Judge (Mahila Court), Pudukkottai dated 13.11.2014.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.K.V.Rajarajan

Govt. Advocate(Crl.side)

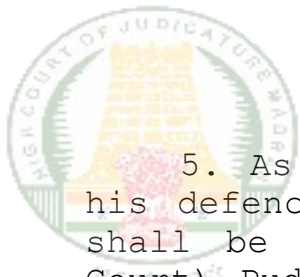
ORDER

The petition has been filed to set aside the order in Cr.M.P.No.152 of 2014 in S.C.No.34 of 2013 on the file of the Learned District Sessions Judge (Mahila Court), Pudukkottai dated 13.11.2014.

2.The petitioner, who is an accused in a case pending trial in S.C.No.34 of 2013 on the file of the learned District Sessions Judge (Mahila Court), Pudukkottai of offence under Section 302 IPC has moved Crl.M.P.No.152 of 2014 seeking recall of P.Ws.2 & 5 informing that in a program conducted by popular T.V.channel such witness specifically had stated that this petitioner is not involved in the offence under trial. Such petition has been dismissed by the Court below.

3.It is contended by the learned counsel for the petitioner that upon having knowledge of telecast made on 08.11.2013, the petitioner had obtained relevant materials by way of compact disk and produced the same before the Court below. However, the Court below had dismissed such petition.

4.The submissions made by Mr.B.Jameel Arasu, learned counsel for the petitioner and by Mr.K.V.Rajarajan, learned Government Advocate (Crl.Side) representing the respondents were heard. The materials available on record were also perused.



5. As an accused must be afforded an opportunity to prove his defence, this Criminal Original Petition is allowed. There shall be a direction to the District Sessions Judge (Mahila Court) Pudukkottai to recall P.Ws.2 & 5 on an early date. Both the petitioner and the prosecution may examine such witnesses. The truth or otherwise of the additional evidence that goes on record is a matter for careful consideration of the trial Court. Consequently, connected M.P(MD)No.1 of 2015 is also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Sessions Judge (Mahila Court)  
Pudukkottai.

2.The Inspector of Police,  
Aranthangi Police Station,  
Aranthangi, Pudukkottai District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.B.Jameel Arasu,Advocate Sr.No. 12955

Am

AA/01.04.2015/2p- 4c/

Cr1.O.P. (MD)No.444 of 2015  
17.03.2015