IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19573 of 2016
and
CRL.MP. Nos. 9164 & 9165 of 2016

1.Veena Jain
2.Jaswant A.Jain
3.Kailash
4.Manoj Jain .. Petitioners

Vs

State represented by SI of Police
C-2, Elephant gate police station,
Sowcarpet, Chennai-600 079. ..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed in CMP No.911 of 2016 dated 20.04.2016 in C.C.No.3232 of 2013 on the file of Hon'ble VIII Metropolitan Magistrate Court, GT, Chennai, and call for records enquire into the matter and allow the application.

For Petitioners : Mr.S.Sundar

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

O R D E R

This petition has been filed to set aside the order passed in CMP No.911 of 2016 dated 20.04.2016 in C.C.No.3232 of 2013 on the file of Hon'ble VIII Metropolitan Magistrate Court, GT, Chennai, and call for records enquire into the matter and allow the application.

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

3. The petitioners are facing trial in C.C.No.3232 of 2013 before the VIII Metropolitan Magistrate Court, George Town, Chennai for offences under Sections 341, 324, 294(b), 506(ii) of IPC. It is seen that the prosecution examined PW1, PW2, PW3 and PW4 and they were cross examined by the petitioners / accused. Thereafter the petitioners / accused filed Crl.M.P.No.911 of 2016 once again to recall the aforesaid witnesses on the ground that they have to ask

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

further clarification. The Learned Trial Judge dismissed Crl.M.P.No.911 of 2016 in C.C.No.3232 of 2013 on 20.04.2016, aggrieved by which the petitioners are before this Court.

4. The learned counsel appearing for the petitioners submitted that there is a counter complaint given against the opposite party about which no proper enquiry has been conducted. On a reading of the petitioner filed by the petitioners / accused in Crl.M.P.No.911 of 2016, it is seen that the petitioners have not stated any good reasons for recalling the witnesses under Section 311 Cr.P.C. In A.G. Vs. Shiv Kumar Yadav and another, [(2015) 9 Scale 649], the Supreme Court has laid down the parameters for exercise of powers under Section 311 Cr.P.C., The grounds raised by the petitioners for recalling the witnesses once again do not satisfy the parameters laid down in the said Judgment and accordingly, the order passed by the Trial Court does not suffer from any serious infirmity warranting interference.

In view of the above, the petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The VIII Metropolitan Magistrate Court, GT, Chennai,

2. Sub Inspector of Police
C-2, Elephant gate police station,
Sowcarpet, Chennai-600 079.

3. The Public Prosecutor, High Court, Madras.

kgk(co)
krd 20/9

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/