

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.26401 of 2016

and Crl.M.P.No.13172 of 2016

V.Mohanraj ... Petitioner

Vs

State by
Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the order dated 3.10.2016 passed in C.M.P.No.465 of 2016 in S.C.No.124 of 2014 on the file of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore and set aside the same.

For Petitioner : Mr.C.D.Sugumar

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

ORDER

The present criminal original petition has been filed to call for the records pertaining to the order dated 3.10.2016 passed in C.M.P.No.465 of 2016 in S.C.No.124 of 2014 on the file of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore and set aside the same.

2. The petitioner is an accused in S.C.No.124 of 2014 on the file of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore. Pending trial, the petitioner has filed an application in C.M.P.No.465 of 2016 to recall P.Ws.1 to 11 for cross examination on the ground that since the counsel for the petitioner was engaged in some other Court, he could not cross examine the said witnesses. The learned Sessions Judge dismissed the said petition by observing that the petitioner has kept quiet till the end of the case and now, filed the petition

without any valid reasons. Challenging the same, the petitioner has come up with the present petition.

3. However, I am of the view that invocation of Section 311 Cr.P.C. to recall the witnesses for cross examination, is nothing but a discretionary power. From the materials available on record, I find that though the trial Court has given ample opportunity to the petitioner to cross examine P.Ws.1 to 11, the petitioner failed to avail the said opportunity and filed the petition belatedly. Hence, I am not inclined to interfere with the order of the trial Court.

4. In the result, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi
To

1.The Sessions Judge,
Magalir Neethimandram
(Mahila Court), Coimbatore

2.The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

SSI (CO)
BB (30/12/2016)

Cr1.O.P.No.26401 of 2016

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