



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2016

CORAM:

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD)No.18210 of 2016

Amuthaselvi

... Petitioner

Vs.

The Inspector of Police,
Vadaseri Police Station,
Kaniyakumari District.
(Crime No.511/2010)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and set aside the order dated 08.09.2016 passed in Cr.M.P.No.667 of 2016 in S.C.No.47 of 2012 on the file of the learned Fast Track Mahila Court (Sessions Court), Kaniyakumari at Nagercoil dismissing the recall petition as regards P.W.2 and P.W.12.

For Petitioner : Mr.A.Thiruvadikumar

For Respondent : Mr.K.Anbarasan, G.A.(Crl.side)

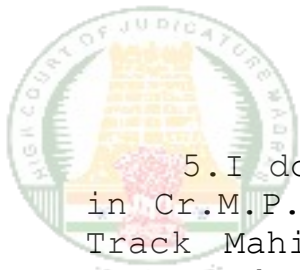
ORDER

This petition is filed to set aside the order dated 08.09.2016 passed in Cr.M.P.No.667 of 2016 in S.C.No.47 of 2012 by the Fast Track Mahila Court (Sessions Court), Kaniyakumari at Nagercoil.

2.The petitioner is arrayed as A1 in the sessions case in S.C.No.47 of 2012. The prosecution has examined P.Ws.1 to 32 to prove the case against the petitioner and the 2nd accused. When the case was posted for questioning under Section 313 Cr.P.C., the petitioner filed a petition in Cr.M.P.No.667 of 2016 to recall prosecution witnesses P.W.2, P.W.12, P.W.18 and P.Ws.27 to P.W.31 for the purpose of further cross examination.

3.The learned Trial Judge allowed the application in part permitting the petitioner to cross examine the witness P.W.18, P.W.27 to P.W.31 and rejected the application in respect of P.W.2 and P.W.12. Challenging the said order, the present Criminal Original Petition is filed.

4.It is seen from the records that P.W.2 and P.W.12 were extensively cross examined by the accused on 24.08.2015 and 26.08.2015. The petitioner has not assigned any valid reason in the application for further cross examining the said witnesses. The Trial Court having found that the other witnesses were not cross examined by the accused, allowed the application in part and rejected the application for P.W.2 and P.W.12.



5.I do not find any illegality in the order dated 08.09.2016 in Cr.M.P.No.667 of 2016 in S.C.No.47 of 2012 passed by the Fast Track Mahila Court (Sessions Court), Kaniyakumari at Nagercoil. Hence, the Criminal Original petition is dismissed.

WEB COPY

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS)

To

1.The Fast Track Mahila Judge (Sessions Court),
Kaniyakumari at Nagercoil.

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

3.The Inspector of Police,
Vadaseri Police Station,
Kaniyakumari District.

+1cc to Mr.A.Thiruvadikumar, Advocate in SR.55814

Cr1.O.P.(MD)No.18210 of 2016
23.09.2016

nbj

PBK/SK-SKN 02.11.2016 ::2P-5C: