



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD) No.20064 of 2016

and

CMP(MD)No.10061 of 2016

K.Jency Rony

: Petitioner/Accused

-Vs-

The Sub Inspector of Police,
Ilaiyangudi Police Station,
Sivagangai District.

: Respondent/Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to issue a direction to set aside the order in Cr.M.P.No.1993 of 2016 in C.C.No.35 of 2015, dated 27.09.2016 passed by the learned District Munsif-cum-Judicial Magistrate, Ilaiyangudi, Sivagangai District, within the time stipulated by this court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondent

: Mr.P.Kannithevan
Government Advocate
(Criminal side)

O R D E R

This petition is filed to set aside the order in Cr.M.P.No.1993 of 2016 in C.C.No.35 of 2015, dated 27.09.2016 passed by the learned District Munsif-cum-Judicial Magistrate, Ilaiyangudi, Sivagangai District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent and perused the materials available on record.

3.It is seen that the petitioner is the sole accused in C.C.No.35 of 2015. The prosecution examined PW1 on 06.07.2015 and after the evidence of the prosecution was over, the petitioner filed Cr.M.P.No.1993 of 2016 to recall PW1. The learned District Munsif, dismissed the application by observing that the petitioner has not shown any valid reason to recall PW1, after lapse of one



year and this petition was filed only to delay the trial proceedings.

4. In view of the above facts, I do not find any illegality or perversity in the impugned order, dated 27.09.2016. Hence, this petition is dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To,

- 1 **The** District Munsif-cum-Judicial Magistrate,
Ilaiyangudi, Sivagangai District,
2. The Sub Inspector of Police,
Ilaiyangudi Police Station, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.20064 of 2016
20.10.2016

SMA/CK/14.11.2016:2P/4C