



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.OP(MD) No.20839 of 2016

and

Crl.M.P.(MD)No.10613 of 2016

Mahesh

..Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Mandaikkadu Police Station,
Kanyakumari District.
Crime No.2 of 2002.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 03.02.2016 passed in Cr.M.P.No.34 of 2016 in S.C.No.90 of 2004, on the file of the Assistant Sessions Court, Padmanabhapuram.

For Petitioner	:Mr.M.Saravanan
For Respondent	:Mr.P.Kannithevan
	Government Advocate(Crl.Side)

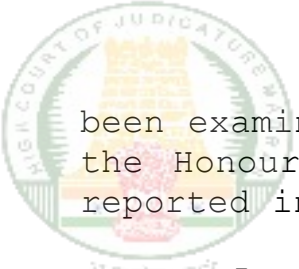
O R D E R

This petition has been filed to set aside the order dated 03.02.2016 passed in Cr.M.P.No.34 of 2016 in S.C.No.90 of 2004, on the file of the Assistant Sessions Court, Padmanabhapuram.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The petitioner, who is the sole accused in sessions case in S.C.No.90 of 2004, on the file of the Assistant Sessions Judge, Padmanabhapuram is facing charge for the offence under Section 307 I.P.C. The prosecution, in order to prove the case against the petitioner, examined 18 witnesses. Thereafter the petitioner filed Cr.M.P.No.34 of 2016 to recall the witnesses for the purpose of cross-examination under Section 311 Cr.P.C.

4. The learned Assistant Sessions Judge, Padmanabhapuram, taking into consideration the fact that P.Ws.1 to 3 were examined in the year 2005 and the other witnesses of the prosecution had



been examined in the year 2008 and by relying upon the judgment of the Honourable Supreme Court in **Vinod Kumar Vs. State of Punjab** reported in **2015(3) SCC 220**, dismissed the application.

5. On perusal of the records, this Court does not find any merits in this case. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1 The Assistant Sessions Court, Padmanabhapuram.

2.The Inspector of Police,
Mandaikkadu Police Station, Kanyakumari District.

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

+1CC to Mr.R.J.Karthick, Advocate Sr.No.65071

GJM/SS2/21.11.16-2p-5C

Cr1.OP (MD)No.20839 of 2016
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