

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.No.7801 of 2017

And

Crl.M.P.No.5638 of 2017

M.Rajan

... Petitioner

Vs.

State represented by

Inspector of Police,

Perundurai Police Station,

Perundurai,

Crime No.943/2011.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.37/2012 on the file of the District Munsif Cum Judicial Magistrate Court, Perundurai and set aside the order of dismissal dated 09.02.2017, passed in C.M.P.No.823 of 2016 in C.C.No.37/2012 and direct the Learned District Munsif Cum Judicial Magistrate, Perundurai to recall the witnesses PW1 and PW2.

For Petitioner : Mr.K.R.Samratt

For Respondent : Mr.M.Mohammed Riyaz

Government Advocate (Crl. Side)

O R D E R

Petitioner seeks to set aside the order dated 09.02.2017, passed in C.M.P.No.823 of 2016 in C.C.No.37 of 2012 by the District Munsif Cum Judicial Magistrate Court, Perundurai and further direction to the learned District Munsif Cum Judicial Magistrate, Perundurai to recall the witnesses PW1 and PW2.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3.Petitioner has filed petition under Section 311 of Cr.P.C. before the Court below seeking to recall the witnesses PW1 and PW2 and it was dismissed by the Court below stating that it has been filed with a delay of nearly three years . Challenging the same, this petition has been filed.

4.Finding no merits in the petition and being of the view that the Court below is right in dismissing the petition seeking to recall the witnesses which has been moved after very much delay, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The District Munsif Cum
Judicial Magistrate Court,
Perundurai
2. The Inspector of Police,
Perundurai Police Station,
Perundurai,
Crime No.943/2011.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.K.R.Samratt, Advocate Sr. 24187

सत्यमेव जयते

Cr1.O.P.No.7801 of 2017
And
Cr1.M.P.No.5638 of 2017

VGII (CO)
VR(16/5/2017)

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