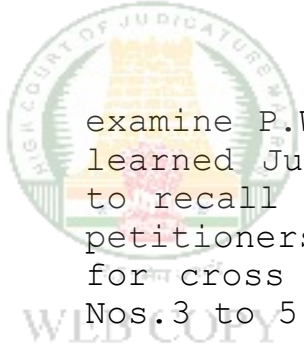




examine P.Ws.1 to 7 and 9. The said petition was dismissed by the learned Judge stating that the only ground on which the petition to recall the witnesses is filed cannot be a ground to permit the petitioners to recall the prosecution witnesses P.Ws.1 to 7 and 9 for cross examination. Challenging the said order, the accused Nos.3 to 5 have preferred this petition.

3. The learned counsel for the petitioners submitted that if permission is granted to the petitioners, the petitioners require only two days to cross examine the witnesses and that therefore, no prejudice would be caused to the prosecution side. Except stating that some of the witnesses had omitted to say something to the question put to them, when they were cross examined earlier, no other submission is made. Even in the petition, it is only stated that some of the witnesses have given contradictory evidence and that it has to be clarified by further cross examination.

4. It is to be noted that the petitioners are charged with the offences under Sections 450, 395, 397 r/w 34 IPC. A reading of the FIR clearly indicates that the petitioners are stated to have committed a grave offence. It is expected from the petitioners to avail the opportunity earlier. The purpose and object of filing the petition appears to be to drag on the proceedings.

5. The learned counsel for the petitioners submitted that the petitioners have legal right to recall witnesses for cross examination and that they should be given an opportunity to prove their defence that they have been falsely implicated as accused. This Court is not in a position to accept the submission of the learned counsel for the petitioners.

6. It is true that the accused should be given a fair opportunity in defending the case. Such opportunity was fairly given to the petitioners and they have availed it. The fact that some witnesses have contradictory version and that it should be clarified by further examination cannot be a ground to permit the petitioners to recall the witnesses at the time when the case is posted for arguments. Hence, this Court does not find any valid reason to interfere with the order passed by the learned Judge.

7. In view of the foregoing reasons, this criminal original petition is dismissed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/



To

1. The Additional District and Sessions Judge,
Ramanathapuram

2. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.

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

CRL.O.P (MD) No.17469 of 2017
18.12.2017

PK/JC/SAR-4/12.01.2018 : 3P/4C