



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P.(MD)No.7410 of 2017

and

Cr1.M.P.(MD)No.5050 of 2017

Jerome Paulraj

: Petitioner

-Vs-

Amala Jency

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records and set aside the order dated 28.04.2017 passed in the Criminal Miscellaneous Petition in Cr.M.P.No.963 A of 2017 on the file of the learned Additional District Munsif -cum- Judicial Magistrate, Manamadurai, filed by the petitioner and allow the same.

For Petitioner : Mr.J.Barathan

O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. Jerome Paulraj got married to Amala Jency on 15.02.2009 and their marriage ran into rough weather resulting in the spouses getting estranged. Amala Jency has initiated proceedings in M.P.No.5357 of 2012 before the learned Additional District Munsif -cum- Judicial Magistrate, Manamadurai, under the provisions of the Domestic Violence Act against Jerome Paulraj. During trial, Amala Jency examined herself in chief as P.W.1 on 28.09.2015. Thereafter, she was cross-examined on 29.09.2015 and 12.10.2015 by Jerome Paulraj. While so, Jerome Paulraj filed Cr.M.P.No.963A of 2017 in M.P.No.5357 of 2012 for once again recalling Amala Jency for further cross-examination, which has been dismissed by the Trial Court by the impugned order dated 28.04.2017, challenging which, Jerome Paulraj is before this Court.

3. Heard Mr.J.Barathan, learned counsel for Jerome Paulraj, who submitted that several important aspects were not put to Amala Jency in the cross-examination and, therefore, she should be recalled.

<https://hcservices.courts.gov.in/hcservices/> Court gave its anxious consideration to the submissions made by Mr.J.Barathan, learned counsel for Jerome Paulraj.



5. On a reading of the petition in Cr.M.P.No.963A of 2017 filed by Jerome Paulraj to recall Amala Jency, it is seen that the same is bereft of any particulars as to why the witness should be recalled. A petition for recall of a witness cannot be allowed on the mere demand of a party. In this case, Amala Jency has admittedly been cross-examined on two dates as stated above. That apart, this Court has issued directions in Crl.O.P.No.13840 of 2015 on 22.07.2015 to the Trial Court to complete the domestic violence proceedings expeditiously. Under such circumstances, this Court does not find any serious infirmity in the order passed by the Trial Court warranting interference by this Court.

6. In the result, this Criminal Original Petition is devoid of merits and accordingly, it is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

The Additional District Munsif -cum- Judicial Magistrate,
Manamadurai,

+One cc to Mr.T.R.Jeyapalam, Advocate, SR.No.60843

SML
RL/3C/2P/KKR/SAR4/28/6/2017

Order made in
CRL.O.P.(MD) No.7410 of 2017

Dated: 19.06.2017