

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20362 of 2018
and CRL.M.P.No.10916 of 2018

R.Elangovan

.. Petitioner

Vs

State rep. by
Inspector of Police,
DCB Police,
Vellore District.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the order of dismissal in CMP.No.446 of 2018 in CC.No.562 of 2014 dated 18.06.2018 passed by the Judicial Magistrate No.II, Vellore.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.C.Raghavan, GA

O R D E R

The petitioner is facing prosecution in C.C.No.562 of 2014 before the Judicial Magistrate No.II, Vellore for offence under Section 420 and 506[i] IPC. The petitioner filed Crl.M.P.No.446 of 2018 in C.C.No.562 of 2014 for recalling PW7, which has been dismissed by the trial Court on 18.06.2018, challenging which, the petitioner is before this Court.

2.Heard Mr.B.Sundarapandiyan, learned counsel for the petitioner who submitted that PW7 was the Investigating Officer, unless he is examined by the accused, undue prejudice will be caused.

3.Per contra, the learned Government Advocate refuted the contentions.

4.Under normal circumstances, this Court will show indulgence to the accused for recalling the Investigating Officer. In this case, PW7 was examined in the year 2015. The petitioner filed C.M.P.No.2468 of 2015 to recall PW1 to PW7, which was allowed by the trial Court on 15.09.2015. The

petitioner examined PW1 to PW6, but when PW7 came for giving evidence on 31.07.2017, the petitioner did not cross-examine PW7. The petitioner absconded and NBW was issued against him, which was recalled after one year and four months. In such view of the matter, no indulgence can be shown to the petitioner.

5.Under such circumstances, this Court does not find any infirmity in the order passed by the trial Court warranting interference and this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

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To

1.Judicial Magistrate No.II,
Vellore.

2.Inspector of Police,
DCB Police,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Sundara Pandiyan, Advocate SR.No.56608

सत्यमेव जयते

CRL.O.P.No.20362 of 2018

GN(30/08/2018)

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