

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.16158 of 2018

Sangeetha @ Jageetha

...Petitioner

Vs.

State Rep. by
The Inspector of Police
K-1, Sembium Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C to set aside the dismissal order passed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.1220/2018 in C.C.No.2492 of 2018 dated 23.04.2018.

For Petitioner : Mr.G.Ashok Kumar

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This criminal original petition has been filed to set aside the dismissal order dated 23.04.2018 passed by the V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.1220/2018 in C.C.No.2492 of 2018.

2. The petitioner is facing a prosecution for the offences under Sections 147, 148, 324 and 506(ii) IPC @ 147, 148, 324, 326 and 506(ii) r/w 149 IPC in C.C.No.2492 of 2009 before the V Metropolitan Magistrate, Egmore, Chennai. The prosecution has examined 21 witnesses and the accused did not cross-examine any of them. Thereafter, the accused filed Crl.MP.No.1220 of 2018 under Section 311 Cr.P.C. to re-call PW1 to PW5, which has been dismissed by the trial Court on 23.04.2018, challenging which, the accused is before this Court.

3. Heard the learned counsel for the accused and the learned Government Advocate (Crl. Side) for the respondent.

4. On a perusal of the case records, it is seen that PW1 and PW2 were examined on 23.05.2011; PW3 and PW4 were examined on 14.11.2011; PW5 was examined on 27.12.2012. On all these days, the learned counsel for the accused has reported "No cross" and this has been recorded in the deposition of the witnesses. Thereafter, the accused filed a petition in CrI.MP.No.1220 of 2018 to re-call the witnesses, which has been dismissed on 23.04.2018 by the trial Court. In the petition filed under Section 311 Cr.P.C. in CrI.MP.No.1220 of 2018, the accused has stated the reason for not cross-examining the witnesses is that her counsel was out of station.

5. Proviso to Section 309 Cr.P.C., reads as follows:

"(b) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment."

In such view of the matter, this Court does not find any serious infirmity in the order passed by the Court below, warranting interference. Hence, this petition is dismissed as being devoid of merits.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

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To

1. V Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police
K-1, Sembium Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.16158 of 2018

CNR (CO)
GN(06/07/2018)