

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.22901 of 2018

S.Siva

...Petitioner/Accused

Vs.

The Inspector of Police,
CCB - Vth division Police Station,
Commissioner of Police, Wing,
Vepary - Chennai.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue the direction to the Judicial Magistrate Court at Alandur, Chennai - 16, to set aside the impugned proceedings relation to the deposition of PW.4 Thiru.Ramanathan, dated 12.09.2018 in C.C.No.1275 of 2017.

For Petitioner : No Appearance
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

When the matter was called up today, the petitioner was not present in person. Even during the previous occasion on 08.10.2018, the petitioner was not present in Court.

2.This petition has been filed seeking to eschew the evidence taken by the learned Judicial Magistrate, Alandur on 12.09.2018.

3.It is seen from the records that the petitioner had produced an order of discharge, dated 15.09.2009, before the learned Judicial Magistrate Court, Alandur and this order was found to be fake. Therefore, the concerned Judge was called before the Court below and was examined on the side of the prosecution. During the evidence, the concerned Judge had made a categorical statement before the Court below that no such order of discharge was passed by him and the signature found in the discharge order was not his signature. The petitioner had also cross-examined the concerned Judge in the box.

4.The above evidence given by the learned Judge is now put to challenge in this Criminal Original Petition and the relief sought for before this Court is to eschew the evidence.

5.In the considered view of this Court, this petition is not maintainable before this Court. Evidence has been recorded before the Court below and the petitioner also had an opportunity to cross-examine the witness and it has now become part of record in C.C.No.1275 of 2017 and the same cannot be eschewed.

6.This Court does not find any merit in this Criminal Original Petition and the same is dismissed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

- 1.The Inspector of Police,
CCB - Vth Division Police Station,
Commissioner of Police, Wing,
Vepery - Chennai.
2. The Judicial Magistrate, Alandur, Chennai
- 3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

CRL.O.P.No.22901 of 2018

KS (CO)
SP(22/11/2018)

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