

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.25875 of 2018
and CrI.M.P.No.14837 of 2018

1.Shanthi, F/64 years,
W/o.Balakrishnan

2.Akalya, F/41 years,
W/o.Viswanathan ... Petitioners

Vs.

State, rep. by
The Inspector of Police,
K-2, Ayanavaram Police Station
Chennai. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records in the above case and set aside the order passed by the learned V Metropolitan Magistrate, Egmore, Chennai in petition under section 311 of Cr.P.C. in CrI.M.P.No.4040 of 2018 dated 18.09.2018 in C.C.No.3743 of 2013.

For Petitioners : M/s.S.Panneerselvan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed aggrieved by the order passed by the Court below dismissing the application filed by the petitioners to recall P.W.1, P.W.2, PW6 and P.W.11 for cross-examination.

2.It seen from the record that atleast on two earlier occasions, similar petitions were filed before the Court below and inspite of these petitions being allowed, the petitioners did not choose to cross examine the witnesses. The Court below has recorded the entire earlier proceedings in its order and has given a categorical finding that the present petition to recall PW1, PW2, PW6 and PW11 has been filed by suppressing the earlier applications and the orders passed by the Court below. This Court does not find any illegality or infirmity in the

orders passed by the Court below.

3.It is seen from the records that this C.C.is of the year 2013. In spite of several opportunities being given to the petitioners to cross examine the witnesses on earlier occasions, the petitioners failed to avail of the said opportunities. This Court does not find any ground to interfere with the order passed by the Court below. According, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

rri/rm

To

1. The Inspector of Police,
K-2, Ayanavaram Police Station
Chennai.
2. The Public Prosecutor,
High Court, Madras.

Copy To

The V Metropolitan Magistrate, Egmore, Chennai.

+lcc to Mr.S.P.Panneerselvan, Advocate SR.No.76833

सत्यमेव जयते

CRL.O.P.No.25875 of 2018
and CrI.M.P.No.14837 of 2018

MG (CO)

GMV (29/11/2018)

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