

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29644 of 2018

and

Crl.M.P. No.17412 of 2018

Selvamani

: Petitioner

Vs.

State by

The Sub Inspector of Police,
Mettur Police Station,
Mettur, Salem District.

: Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the order dated 6.9.2018 made in Crl.M.P. No.2958 of 2018 in C.C. No.308 of 2016 on the file of the Judicial Magistrate No.1, Mettur, Salem District by allowing this Criminal Original Petition.

For Petitioner : Mr.S.Lakshmanasamy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 311 of Cr.P.C., to recall P.Ws.1 to 4 and 9 for cross-examination.

2.This petition was filed on the ground that the petitioner was not represented by a counsel on the date when the witnesses were examined.

3.It is seen from the records that during the entire evidence, the petitioner was in fact represented by a counsel and the counsel had specifically stated before the Court below that there is no cross-examination on the side of the petitioner. This fact has also been recorded by the Court below in the order under challenge. It is also seen that the prosecution side evidence has completed and 313 questioning was also completed and the case was at the stage of arguments. At this stage, the present petition has been filed by the petitioner.

4.This Court does not find any illegality or infirmity in the order passed by the Court below. The petitioner has approached the Court below for recalling P.Ws.1 to 4 and 9 by stating a false reason. Therefore, the Court below was perfectly right in dismissing the petition filed by the petitioner. This Court does not want to interfere with the orders passed by the Court below.

5.In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

ia/vsg1

To

1. The Judicial Magistrate No.I
Salem.
2. The Sub Inspector of Police
Mettur Police station
Mettur, Salem District.
3. The Public Prosecutor
High Court, Madras 104

Cr1.O.P.No.29644 of 2018

SP(08/01/2019)

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