

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.01.2019
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.Nos.104 & 110 of 2019
and Crl.M.P.Nos.64 & 66 of 2019

Karunanidhi
in both Crl.O.Ps

...Petitioner

Vs.

State rep. By
The Sub-Inspector of Police,
Jayankondam Police Station,
Jayankondam. ...Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition filed under
Section 482 Cr.P.C., to set aside the order dated
01.10.2018 made in C.M.P.Nos.1725 & 1726 of 2018 in
C.C.Nos.26 and 33 of 2015 on the file of the Judicial
Magistrate Court No.I, Jayankondam.

For Petitioner in both Crl.O.Ps : Mr.M.Guruprasad
For Respondent in both Crl.O.Ps : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed
aggrieved by the order passed by the Court below
dismissing the petition filed by the petitioner under
Section 311 of Cr.P.C., to examine one Chandrasekar as an
additional witness on the side of the defence.

2.It is seen from the records that the petitioner is
facing trial before the Court below for an offence under
Section 379 of IPC. Prosecution had examined 8 witnesses
and the petitioner had also examined 8 witnesses i.e.
DW.1 to DW.8. The case was at the stage of final hearing
even as early as 29.02.2016. However after seven months,
the petitioner filed a petition under Section 311 of
Cr.P.C., in order to examine 2 more witnesses on the side
of the defence. This petition was allowed by an order
dated 12.01.2018. Pursuant to the order passed by the
Court below, one Arun Kumar was examined as DW 7 and
Dhanasekaran was examined as DW 8. Subsequently, another
petition came to be filed under Section 311 of Cr.P.C.,
in the year 2018 on the ground that the petitioner wants

to examine one more witness Chandrasekar on the side of the defence.

3.The Court below has given elaborate reasons for dismissal of the petition. The Court below has specifically given finding that even though the case was at the stage of final hearing in February 2016 itself, only because of the petition filed by the petitioner under Section 311 of Cr.P.C., the case was kept pending till 2018 and two more witnesses were also allowed to examine on the side of the defence. Thereafter, the evidence was closed on 19.06.2018 and the case was posted for arguments on 22.06.2018. Thereafter, the case was adjourned atleast on four occasions and at this stage on 10.07.2018, the petitioner has filed the present petition under Section 311 of Cr.P.C., to examine one Dhanasekar as defence witness. Therefore, the Court below has come to categoric finding that the entire attempt made by the petitioner is only to drag on with the proceedings. This Court does not find any illegality or infirmity in the order passed by the Court below and there are absolute no grounds to interfere with the order passed by the Court below.

4.In the result, both the Criminal Original Petitions are dismissed. The Court below is directed to complete the proceedings within a period of two months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

rp1/mpa

To

1.The Judicial Magistrate Court No.I, Jayankondam.

2.The Sub-Inspector of Police,
Jayankondam Police Station,
Jayankondam.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.Nos.104 & 110 of 2019

A.SK(30/01/2019)