

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3023 of 2019

and

Crl.M.P.No.1994 of 2019

1.Chinnathambi @ Bommanaicken

2.Ramasamy @ Kathirvel ...Petitioners/ Accused 1 & 2

Vs.

State by Inspector of Police,
Mallasamudram Police Station,
Namakkal District.

(Crime No.222 of 2015) ...Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside order dated 13.12.2018 passed in CMP.No.708 of 2018 in Spl.C.C.No.5 of 2016 on the file of the Sessions (Fast Track Mahila) Judge, Namakkal and to allow the above Criminal Original Petition.

For Petitioners: Mr.R.Nalliyappan

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

O R D E R

This petition has been filed challenging the order dated 13.12.2018 passed in CMP.No.708 of 2018 in Spl.C.C.No.5 of 2016 by the learned Sessions (Fast Track Mahila) Judge, Namakkal, whereby dismissing the application filed under Section 311 Cr.P.C.

2.It is seen that the petitioner has filed a petition under Section 311 Cr.P.C., to recall P.W.1 and P.W.20 for cross examination in a case in Spl.C.C.No.5 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal. The learned Judge has dismissed the petition by an order dated 13.12.2018 stating that even though sufficient opportunity already given for cross examination of the above said witnesses, the petitioner's side failed to make use of it. Aggrieved by the

order passed by the learned Sessions Judge, Fast Track Mahila Court, Namakkal, the petitioners have filed the present petition with the aforesaid prayer.

3.The learned Additional Public Prosecutor submitted that the petitioners are absconding from attending the trial Court and hence non-bailable warrant has been issued as against the petitioners and the same is pending. He further submitted that the learned counsel for the petitioner is taking adjournments from February 2019 onwards and thereby dragging on the proceedings.

4.Heard both sides.

5.Considering the facts and circumstances of the case and also the fact that when a non-bailable warrant is pending as against the petitioners, the petitioners are not entitled for any relief. Therefore, this petition is devoid of merits. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is also closed.

6.However, the Sessions case is of the year 2016, the Court below is directed to complete the trial proceedings within a period of three months from the date of receipt of copy of this order.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sessions Judge,
Fast Track Mahila Court,
Namakkal.

2.The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Nalliyappan, Advocate, SR.No.41379

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Kak(12/07/2019)