

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3568 of 2019
and Crl.M.P.No.2267 of 2019

Venkatesan

...Petitioner

-Vs-

State represented by
The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai-600 017.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crl.M.P.No.1317 of 2019 in S.C.No.212 of 2016 on the file of the learned Sessions Judge, Mahila Court, Chennai, by order dated 31.01.2019 and set aside the same.

For Petitioner : Mr.S.Mohamed Ansar

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

ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.1317 of 2019 in S.C.No.212 of 2016 dated 31.01.2019 on the file of the Sessions Judge, Mahila Court, Chennai, dismissing the application filed under Section 311 of Cr.P.C.

2. The petitioner is facing trial before the Court below for an alleged offence under Section 10 of POCSO Act. The petitioner filed Crl.M.P.No.4947 of 2018 in S.C.No.212 of 2016 under Section 311 Cr.P.C for recalling P.W.1 to P.W.8 for further cross-examination and to summon Thamarai as Court witness or accused side witness. This petition has been partly allowed by the Trial Court by order dated 06.06.2018, thereby, the Trial Court has permitted the recall of P.W.1, P.W.3, P.W.4 and P.W.8. But has disallowed the petition, with regard to

P.W.2, P.W.5, P.W.6, P.W.7 and P.W.9 and for summoning of Thamarai. Challenging the said order, the petitioner is before this Court.

3. It is seen that the petitioner has already filed a petition before this Court in Crl.O.P.No.19961 of 2018, dated 16.08.2018 to recall P.W.2, P.W.5, P.W.6, P.W.7 and P.W.9 for cross examination and the same was dismissed. At the outset, it is seen that the petitioner has not given any reason for recalling the aforesaid witnesses. It shows that only to drag on the proceedings the present petition has been filed. Further, it is seen that the Sessions Case of the year is 2016 and the petitioner has committed a serious offence.

4. Therefore, this Court does not find any illegality and infirmity in the order passed by the Court below. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

mpa/lpp

To

1.The Sessions Judge, Mahila Court, Chennai.

2.The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai-600 017.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Mohamed Ansar, Advocate SR.No.12526

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CP (CO)
GMY (25/03/2019)



सत्यमेव जयते

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