

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7350 of 2019

Balaji @ Balaji Kumar

... Petitioner

Vs.

State by
The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order of the lower Court in Crl.M.P.No.2574 of 2019 in S.C.No.600 of 2010 on the file of the learned II Additional Sessions Judge, City Civil Court, Chennai dated 27.02.2019 and to dismiss the reopen under Section 311 of Cr.P.C.

For Petitioner : Mr.L.Infant Dinesh

For Respondent :Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to set aside the order passed in Crl.M.P.No.2574 of 2019 in S.C.No.600 of 2010 dated 27.02.2019 thereby allowing the application filed by the prosecution under Section 311 Cr.P.C. to recall PW1, PW3, PW4 and PW6.

2. The learned counsel for the petitioner submitted that the prosecution had filed the petition under Section 311 Cr.P.C to recall P.W.1, PW3, PW4 and PW6 and to mark the signature of the witnesses of P.W.1, PW3, PW4 and PW6. He further submits that already prosecution witness was closed, questioning was done under Section 313 Cr.P.C and the defense side evidence was also closed. The said witnesses already deposed and the same were recorded under Section 164 Cr.P.C. He further submits that they will not question about the disputed signature of P.W.1,

PW3, PW4 and PW6. Hence, they need not be cross examined, that too at the stage of arguments. Hence, he prayed to set aside the order dated 27.02.2019.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. It is seen that the petitioner has undertaken that the signatures of P.W.1, PW3, PW4 and PW6 will be not disputed. Further it is seen that the said witnesses already deposed and the same were recorded under Section 164 Cr.P.C. Hence, the signature of P.W.1, PW3, PW4 and PW6 need not to be marked. Therefore, the order passed by the learned II Additional Sessions Judge, City Civil Court, Chennai dated 27.02.2019 is set aside. Further, the learned II Additional Sessions Judge, City Civil Court, Chennai is directed to complete the trial within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

dh

To

1. The II Additional Sessions Judge,
City Civil Court,
Chennai.
2. The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Infant Dinesh, Advocate SR.No.26927

CRL.O.P.No.7350 of 2019

VGII(CO)
GMY(04/04/2019)