

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8952 of 2019

and Crl.M.P.No.4773 of 2019

Babu Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Annamalai Police Station,
Pollachi Taluk,
Coimbatore District.

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 04.03.2019 made in C.M.P.No.1 of 2019 in S.C.No.144 of 2014 on the file of the learned Additional Sessions Judge, Pollachi.

For Petitioner : Mr.D.R.Arun Kumar

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

O R D E R

This petition has been filed to set aside the order dated 04.03.2019 made in C.M.P.No.1 of 2019 in S.C.No.144 of 2014 on the file of the learned Additional Sessions Judge, Pollachi.

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.2 in a case in S.C.No.144 of 2014 on the file of the learned Additional Sessions Judge, Pollachi. The learned Judge has dismissed the petition by an order dated 04.03.2019 stating that already P.W.1 and P.W.2 were recalled and cross examined by the accused side and once again the accused have filed the petition to recall P.W.1 and P.W.2 is nothing but harassing the witness. Aggrieved by the order passed by the learned Additional Sessions Judge, Pollachi, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned Additional Public Prosecutor submitted that already P.W.1 and P.W.2 were examined in chief and on the same day, they were cross examined by the accused. Hence, he prays for the dismissal of the petition.

4.Heard both sides.

5.Considering the facts and circumstances of the case, this Court does not find any illegality or infirmity in the order passed by the learned Additional Sessions Judge, Pollachi, in C.M.P.No.1 of 2019 in S.C.No.144 of 2014. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is also closed.

6.However, the Sessions case is of the year 2014, 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.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Additional Sessions Judge,
Pollachi.

2.The Inspector of Police,
Annamalai Police Station,
Pollachi Taluk,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No. 32637

CrI.O.P.No.8952 of 2019
and CrI.M.P.No.4773 of 2019

GN(10/05/2019)