

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.12004 of 2019

S.Hemamalini

... Petitioner

Vs.

1. State Rep. by Inspector of Police,
Central Crime Branch,
Team - 1, Chennai.

2. C.Shunmuganathan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 07.03.2019 passed in Crl.M.P.No.1274 of 2019 in C.C.No.3332 of 2009 on the file of the Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Allikulam Complex, Chennai.

For Petitioner : Mr.L.Sasikumar

For R1 : Mr.C.Raghavan
Government Advocate

O R D E R

This petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 311 of Cr.P.C to recall PW1 for the purpose of further cross examination.

2. The petitioner is facing trial for an offence under Section 420 of IPC. The final report was filed in this case in the year 2009 and the examination of the witnesses commenced as early as in the year 2010. From the records, it is found that the petitioner was also questioned under Section 313 of Cr.PC on 20.06.2018.

3. The records further reveal that the petitioner already moved an application under Section 311 of Cr.PC to recall PW1 to PW10 in Crl MP No.4175 of 2018 and the petition was dismissed by a detailed order dated 08.10.2018. While so, the petitioner again filed the present petition to recall PW1 and on the face

of it, the present petition is not maintainable and has been rightly dismissed by the Court below.

4. This Court does not find any illegality or infirmity in the order passed by the Court below and accordingly, the impugned order is sustained. This Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings, within a period of two months from the date of receipt of a copy of this order.

Sd/-

Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

rka

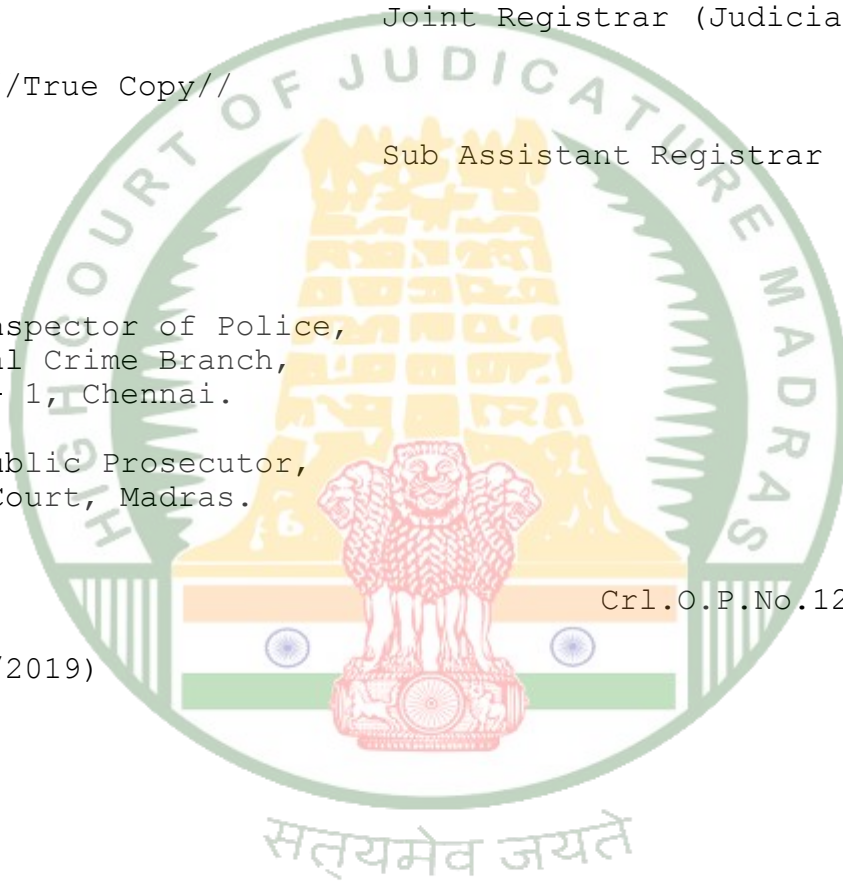
To

1. The Inspector of Police,
Central Crime Branch,
Team - 1, Chennai.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12004 of 2019

RSV(CO)
SSM(18/06/2019)



WEB COPY