

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20208 of 2019
and
Crl.M.P.No.10354 of 2019

Veeramanikandan

...Petitioner

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police
Sooramangalam Police Station
Salem District

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to allow this Petition and set aside the order passed in Crl.M.P.No.4 of 2019 in Spl. S.C.No.8 of 2017 on the file of the Sessions Judge, Mahila Court, Salem dated 08.04.2019.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 311 of Cr.P.C, to recall PW1 to PW14 for the purpose of cross examination.

2. The petitioner is facing trial before the Court below for the offences under Sections 363, 366 IPC r/w Section 5 and 6 of POCSO Act 2012. The prosecution had examined 15 witnesses. PW1 and 2 were examined on 10.08.2014, PW3 was examined on 23.08.2017, PW4 and PW5 were examined on 15.09.2017, PW6 and PW7 were examined on 04.04.2018, PW8 and PW9 were examined on 03.07.2018, PW10 was examined on 25.07.2018, PW11 was examined on 19.12.2018, PW12, 13 and 14 were examined on 10.01.2019 and PW15 was examined on 11.02.2019. None of these witnesses were cross examined by the petitioner and the petitioner filed an application to recall PW1 to PW14 for cross examination only in the month of April 2019.

3. The learned counsel for the petitioner submitted that the petitioner is facing serious charges before the Court below and therefore, one last opportunity can be given to the petitioner to recall and cross examine the witnesses.

4. The learned Additional Public Prosecutor submitted that the petitioner intentionally did not cross examine any of the witnesses and the petitioner is also absconding from April 2019 onwards and NBW is pending against the petitioner.

5. Taking into consideration the facts and circumstances and also the materials placed on record, this Court does not find any infirmity or illegality in the orders passed by the Court below and there are absolutely no grounds to interfere with the orders passed by the Court below. The Court below has given sufficient reasons as to why the petitioner cannot be allowed to recall all the witnesses and this Court is completely in agreement with the reasoning given by the Court below.

6. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in Special S.C No.8 of 2017 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Sessions Judge,
Mahila Court, Salem

2. The Inspector of Police
Sooramangalam Police Station
Salem District.

3. The Public Prosecutor
High Court of Madras.

+1 CC to Mr.C.K.M.Appaji, advocate sr 65581

Cr1.O.P.No.20208 of 2019
and

Cr1.M.P.No.10354 of 2019

BS (CO)

SP(26/08/2019)