

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.20942 of 2019

C.Sakthivel

... Petitioner

Vs.

State rep by,
Sub-Inspector of Police,
Traffic Investigation Wing,
Hosur, Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crl.M.P.No.1908/2018 in Crl.R.C.No. of 2018 on the file of the Principal Sessions Judge, Krishnagiri and set aside the same in order dated 03.04.2019.

For Petitioner : Mr.S.Nambirajan

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

O R D E R

This petition has been filed challenging the order passed by the Court below dismissing the petition to condone the delay in filing the Criminal Revision Petition.

2.The petitioner is facing trial before the Court below for an offence under Section 279 and 304(A) of IPC. The prosecution had examined P.W.1 to P.W.3 on 27.06.2014. These witnesses were not cross examined by the petitioner. After nearly four years, the petitioner filed a petition to recall P.W.1 to P.W.3 for cross examination. The Trial Court after considering the entire facts and circumstances of the case and also taking into account the fact that the petitioner filed the application nearly after four years after the witnesses were examined in chief, was pleased to dismiss the application.

3.Aggrieved by the same, the petitioner filed a Criminal Revision Petition before the Court below with a delay of 76 days. This petition was dismissed by the Court below and aggrieved by the same this Criminal Original Petition has been

filed before this Court under Section 482 of Cr.P.C.

4.As against the order passed in Section 311 of Cr.P.C., a revision petition is not maintainable. Therefore, there is no question for filing a petition to condone the delay in filing the revision, when the revision petition itself is not maintainable. Therefore this Court is not inclined to interfere with the order passed by the Court below. That apart, the petitioner has not challenged the order passed by the Trial Court before this Court and this Court does not find any illegality or infirmity in the order passed by the Trial Court dismissing the petition to recall P.W.1 to P.W.3 for cross examination.

5.In the result, this Criminal Original Petition is dismissed and there shall be a direction to the Judicial Magistrate No.II, Hosur, to complete the proceedings within a period of two months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

jas/vs

To

1.The Sub-Inspector of Police,
Traffic Investigation Wing,
Hosur, Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate No.II,
Hosur, Krishnagiri.

+1cc to Mr.S.Nambirajan, Advocate SR.No.66639

Cr1.O.P.No.20942 of 2019

SPD (CO)
GMY (29/08/2019)