

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.25053 of 2019

and

Cr1.M.P.No.13373 of 2019

1.Prema
2.Mariapan
3.Tamilkumaran

...Petitioners/Accused 2,3 & 4

Vs

State rep by
The Inspector of Police,
Samalpatti PS,
Crime No.07 of 2016

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order dated 04.07.2019 passed in S.C.No.194 of 2016 to reopened and recalling the PW-23 and marking of Ex.C-1 on the file of the Additional District Judge, Krishnagiri by allowing this Criminal Original Petition.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to set aside the order dated 04.07.2019 passed in S.C.No.194 of 2016 to reopened and recalling the PW-23 and marking of Ex.C-1 on the file of the Additional District Judge, Krishnagiri by allowing this Criminal Original Petition.

2. I do not find any infirmity in the order passed by the trial court, wherein, the Court had observed that since the investigating officer had obtained the call details of the deceased as well as the second accused, which could not be filed before the Court and therefore, thought to have the matter clarified and accordingly, suo motu re-opened the evidence. Such suo motu reopening of the case would only enable the trial court to come to a just conclusion. As such, there is no merits in the present Criminal Original Petition.

3. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vkrr

To

1.The Additional District Judge,
Krishnagiri.

2.The Inspector of Police,
Samalpatti PS.

3.The District Munsif cum Judicial Magistrate
Uthangarai.

3. The Additional Public Prosecutor,
High Court of Madras.

+1 CC to Mr.R.Marudhachalamurthy, Advocate sr 87417.

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BS(CO)
SP(19/11/2019)

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