

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.26481 of 2017

and

CrI.M.P.No.15241 of 2017

K.Ravichandran

... Petitioner

Vs.

The Inspector of Police,
CCIW CID,
Cuddalore,
Cuddalore District.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records on the file of the Judicial Magistrate I at Cuddalore, in respect of the impugned order dated 20.09.2017 in C.M.P.No.4040 of 2017 in C.M.P.No.181 of 2011 and set aside the same.

For Petitioner : Mr.A.Thirumaran

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

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of Cr.P.C. to recall PW1 to PW3 and PW7 for cross-examination.

2.It is seen from the records that the petitioner is facing trial before the Court below for an offence under Sections 408, 468 and 477(A) of IPC.

3.The final report was taken on file in the year 2007. The prosecution examined PW1 on 06.04.2010, PW2 and PW3 were examined on 06.02.2013 and PW7 was examined on 29.06.2016 and none of these witnesses were cross-examined. The case was at the stage of examination of Investigating Officer. After nearly seven years from the commencement of trial, the petitioner chose to file a petition to recall PW1 to PW3 and PW7 for cross-examination.

4.The Court below dismissed the said petition on the ground that the petitioner did not explain as to why he waited for seven years to recall of PW1 to PW3 and PW7. The Court also take into consideration the judgment of Vinod Kumar Vs State of Punjab, reported in 2015 (3) SCC 220.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

6.This Court does not find any illegality or infirmity in the order passed by the Court below and the Court below was perfectly right in dismissing the application filed under Section 311 of Cr.P.C. It is clear that the petitioner only wants to drag on the proceedings and keeping it pending forever.

7.In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.181 of 2011, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition dismissed.

Sd/-

Deputy Registrar (CJ)

//True Copy//

Sub Assistant Registrar

vv/kal

To

1. The Judicial Magistrate I,
Cuddalore
2. The Inspector of Police,
CCIW CID,
Cuddalore,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Cr1.O.P.No.26481 of 2017
and

Cr1.M.P.No.15241 of 2017

PPA (CO)

RMP (02/07/2019)