



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD) .No.7162 of 2019

1.

WEB COPY

Ramesh

... Petitioner/Accused No.1

-Vs-

State represented by the
Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
in Crime No.283 of 2010.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to the impugned order passed by the learned Judicial Magistrate, Manamadurai made in Crl.M.P.No.263 of 2019, dated 25.04.2019 in C.C.No.228 of 2010 and set aside the same by allowing the present criminal original petition for recalling the prosecution witnesses of P.Ws.1 and 2.

For Petitioner : Mr.R.Karunanithi

For Respondent : Mr.K.K.Rama Krishnan
Additional Public Prosecutor**O R D E R**

This criminal original petition has been filed seeking to set aside the order passed by the learned Judicial Magistrate, Manamadurai in Crl.M.P.No.263 of 2019, dated 25.04.2019.

2. The petitioner is the first accused in Crime No.283 of 2010 on the file of the respondent police and the case has been registered against the petitioner for the offences under Sections 294(b), 506(2) and 420 of I.P.C. in the year 2010. After filing the final report, the matter was taken on file in C.C.No.228 of 2010 by the learned Judicial Magistrate, Manamadurai and the trial was commenced in the year 2012 and the prosecution witnesses were examined. Thereafter, the petitioner has filed an application under Section 311 of Cr.P.C., and the learned Judicial Magistrate allowed the application and permitted the petitioner to cross-examine the prosecution witnesses. Pursuant to the same, the petitioner has also cross-examined the witnesses. Thereafter, once again the present application has been filed under Section 311 of Cr.P.C., to re-open the case and further cross-examination of the prosecution witnesses. The learned Judicial Magistrate dismissed the application on the ground that already opportunity has been given to the petitioner to cross examine the prosecution witnesses and the



petitioner has also fully cross-examined the witnesses viz., P.Ws.1 and 2 and only to drag on the proceedings, the present application has been filed and the matter is pending for more than seven years.

3. I have also gone through the finding given by the learned Judicial Magistrate, Manamadurai and there is no illegality or irregularity in the order passed by the learned Judicial Magistrate. Hence, I find no merit in the petition and the criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate,
Manamadurai.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD)No.7162 of 2019
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CS: (20/06/2019) 3P 4C