



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.9447 of 2019
and
CrI.M.P.(MD)No.6017 of 2019

Mohamed Hanifa : Petitioner/Petitioner/Accused
Vs.

Muthusamy : Respondent/Respondent/
Complainant

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records made in CrI.M.P.No.1517 of 2019 in C.C.No.293 of 2015 on the file of the Judicial Magistrate No.III, Dindigul, dated 23.04.2019 and set aside the same.

For Petitioner : Mr.S.Deenadhayan

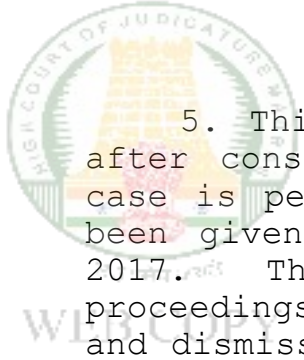
ORDER

This petition has been filed challenging the order dismissing the petitioner filed under Section 311 Cr.P.C., dated 23.04.2019 in CrI.M.P.No.1517 of 2019 in C.C.No.293 of 2015 on the file of the Judicial Magistrate No.III, Dindigul.

2. The case of the petitioner is that the petitioner has filed a petition under Section 311 Cr.P.C., before the learned Judicial Magistrate No.III, Dindigul to recall P.W.1 for the purpose of cross examining him. This petition was dismissed. Hence, the petitioner has filed the present petition to set aside the said order.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. A perusal of the records would disclose that P.W.1 was examined in chief on 17.03.2017. After eight months, the petitioner cross examined P.W.1 on 30.11.2017. Earlier on 21.11.2017, the petitioner filed an application to recall P.W.1 for the purpose of cross examination and the same was allowed and P.W.1 was cross examined. Now the matter is posted for evidence of defence side. At this stage, after nearly 2 ½ years, the present application has been filed by the petitioner on the ground that he wants to cross examine P.W.1 on certain aspects.



5. This Court is of the opinion that the learned trial Judge after considering the entire material has held that the criminal case is pending for long time and already an opportunity has also been given to the petitioner to cross examine P.W.1 in the year 2017. The petitioner only with an intention to drag on the proceedings has filed the present petition without any valid reason, and dismissed the petition. I have carefully considered the entire material and I find no reason to interfere with the order passed by the learned trial Judge. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.III, Dindigul

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.DEENADHAYALAN, Advocate SR-73824.

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CS/ /SAR/18.07.2019/ 2P/ 4C