



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2019

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THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. (MD) No. 21836 of 2018

and

Crl..M.P. (MD) No. 10155 of 2018

A. Jeyaprakash

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Gudalur South Police Station,
Gudalur, Theni District,
(Crime No. 32 of 2013)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the order in Cr.M.P.No.5840 of 2018 in C.C.No.600 of 2013 on the file of the learned Judicial Magistrate Uthamapalayam, Theni District dated 29.10.2018 in Crime No.32 of 2013 on the file of the respondent and set aside the same as illegal and consequently to allow the petitioner's application under Section 311 Cr.P.C..

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The present petition is filed for recalling the witnesses after a period of five years.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned counsel for the petitioner submitted that notwithstanding what is stated in the petition, the witnesses have not been cross examined due to non availability of certain documents, and that it should not reflect on the right of the accused, who have to defend the charges.

4. The learned Additional Public Prosecutor now submitted that in the eventuality of this Court order, all the witness P.W.2 to P.W.7 on the same date may be cross examined.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Considering the facts and circumstances, this Criminal



Original Petition is allowed subject to the condition that the petitioner shall pay a cost of Rs.5,000/- before the District Legal Services Authority, Theni District on or before 03.04.2019 and the order dated 29.10.2018 in Cr.M.P.No.5840 of 2018 is quashed. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CrI Side)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate Uthamapalayam,
Theni District
- 2.The Inspector of Police,
Gudalur South Police Station,
Gudalur, Theni District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:
The District Legal Services Authority,
Theni.

+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No. 58072

CrI.O.P.(MD)No.21836 of 2018

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KK/SAR/07.05.2019/ 2P- 6C