



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.16929 of 2019

Anburaj @ Anburajan @ Anbu ...Petitioner/Petitioner/Sole Accused

Vs.

The Inspector of Police
All Women Police Station

Kumbakonam

Thanjavur District

(Crime No.01 of 2011)

...Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to to call for the records and set aside the order dt 31.10.2019 passed in Cr.M.P.No.993 of 2019 in S.C.No.115 of 2011 on the file of the learned Sessions Judge, Mahalir Neethimandram Thanjavur, Thanjavur District

For Petitioner : Mr.C.Suresh Kannan

For Respondent : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order dt 31.10.2019 passed in Cr.M.P.No.993 of 2019 in S.C.No.115 of 2011 on the file of the learned Sessions Judge, Mahalir Neethimandram Thanjavur, Thanjavur District.

2. On perusal of the record, it reveals that the petitioner is the sole accused and after completing investigation the respondent police filed final report and the same was taken cognizance in S.C.No.115 of 2011. Thereafter the prosecution witnesses were examined and finally PW12/Investigating Officer was examined on 20.03.2017. The petitioner did not appear before the trial court and as such Non Bailable Warrant was issued as against him on 17.06.2016 and only after three years on 31.07.2019 the petitioner recalled the warrant. Thereafter he filed petition to recall PW.12 to cross examine him and the same was allowed. Though PW 12 was present on the date of hearing, the petitioner did not choose to cross examine him. Once again the petitioner filed application under Section 311 of Cr.P.C in Crl.M.P.No.993 of 2019 to cross examine PW.12. Therefore, the trial court has rightly dismissed the petition.

3. The present petition is filed only to drag on the proceedings keeping the petition under Section 311 Cr.P.c pending



without even cross examining the prosecution witnesses. Therefore, this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Hence the Criminal Original Petition is dismissed. However the trial Court is directed to complete the trial within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Sessions Judge,
Mahalir Neethimandram Thanjavur,
Thanjavur District
2. The Inspector of Police
All Women Police Station
Kumbakonam
Thanjavur District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court

Crl.O.P.(MD) No.16929 of 2019
19.11.2019

KK/SAR/05.12.2019/2P-4C/