

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 196 of 2020
and Crl.MP.No. 106 of 2020

Thirumalai Arasu ... Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Vellore.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 16.10.2019 in Crl.M.P. No.7705 of 2019 in C.C. No.301 of 2014 passed by the learned IV Judicial Magistrate Court at Vellore.

For Petitioner : Mr.N.Naresh

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P. No.7705 of 2019 in C.C.No.301 of 2014 dated 16.10.2019, on the file of IV Judicial Magistrate, Vellore, thereby dismissing the petition filed by the petitioner under Section 311 of Crl.P.C. to cross examine P.W.1.

2. On perusal of records, it is seen that the criminal case is of the year 2014, P.W.1 was examined on 05.08.2014 and on the same day, the counsel for petitioner cross-examined P.W.1. After the period of five years, the petitioner engaged another counsel and filed this petition to recall P.W.1 for further cross-examination. The Hon'ble Supreme Court and this Court have repeatedly held that the change of counsel is not a reason for re-examining the witness and it is amounting only to drag on the proceedings and it cannot be filled up the lacuna by engaging the new counsel on record. Therefore, the

Trial Court has rightly dismissed the petition filed by the petitioner under Section 311 of CrI.P.C. Hence, this Court finds no irregularity or infirmity in the order passed by the court below. Accordingly, this Criminal Original Petition is dismissed. Consequently, the miscellaneous petition is closed.

Sd/-
Assistant Registrar (ADI MDU)

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Sub Assistant Registrar

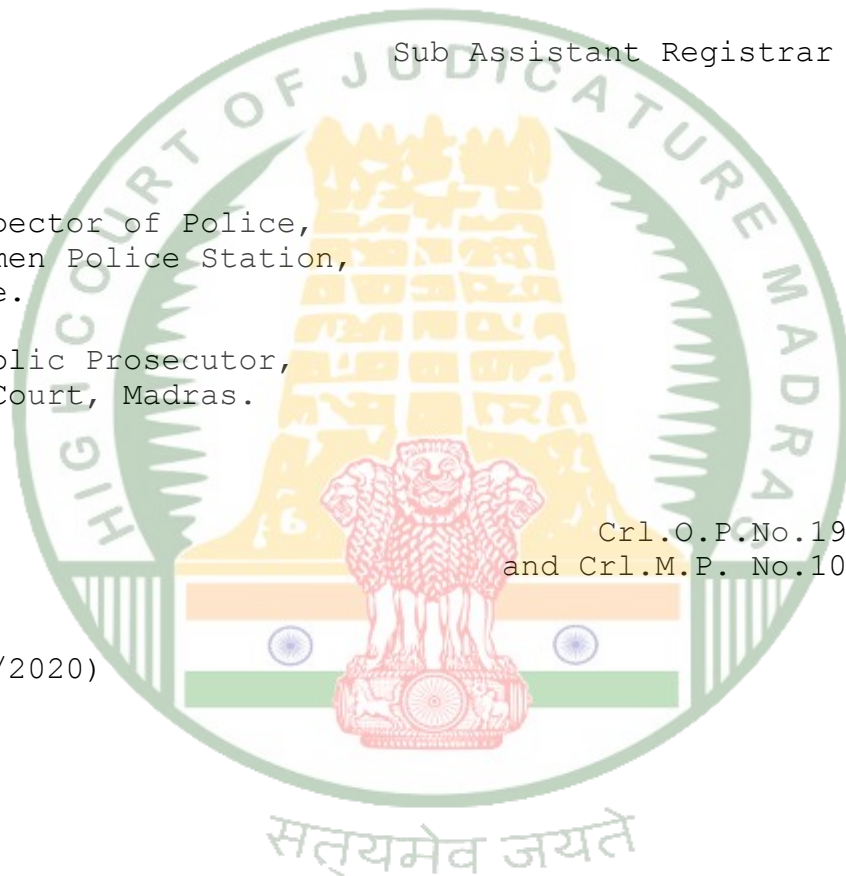
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To

1. The Inspector of Police,
All Women Police Station,
Vellore.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.196 of 2020
and CrI.M.P. No.106 of 2020

RVS (CO)
GMY (10/09/2020)



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