

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.07.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2749 of 2020
and Crl.MP.No.1636 of 2020

R.Shenbagavalli,
W/o.A.Rajasekaran,
No.5/1372, PUE School Road,
Near TAMS Colony,
Dharmapuri.

... Petitioner/petitioner

Vs.

1. A.Dhanasekaran,
S/o.S.P.Adhimoolam,
Door No.3/62, W20,
Mettu Street,
Harur Taluk, Dharmapuri District.
2. K.Lakshmanan,
S/o.Late Krishnan
Door No.1/191, Raja Veedhi,
Kallavi Village and Post,
Uthangarai Taluk,
Krishnagiri District.
3. K.Ranganathan
S/o.Krishnamurthy,
No.10/214, Thiru.vi.ka.Nagar,
Harur Taluk, Dharmapuri District. Respondents/Accused

*[R2 and R3 are impleaded as per the order of this Court dated
19.02.2020 in Crl.M.P.No.2126/2020 in
Crl.O.P.No.2749/2020.]

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C. praying to set aside the order of dismissal passed in
Cr.MP.No.4763 of 2019 in C.C.No.219 of 2014 dated 28.01.2020 on
the file of the Judicial Magistrate No.I, Dharmapuri.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.N.Vijay Baskar,
for M/s.Law Vision

O R D E R

This petition has been filed challenging the order passed in Crl.MP.No.4763 of 2019 in C.C.No.219 of 2014 dated 28.01.2020 on the file of the Judicial Magistrate No.I, Dharmapuri.

2. The petitioner is the complainant and she filed a private complaint in C.C.No.219 of 2014 as against the respondents for the offence punishable under Section 294 (b), 506 and 511 of IPC also and under Section 4 of the Protection of Women from Domestic Violence Act. The said complaint was filed in the year 2014 and on the side of the complainant, she has examined Pws1 to 4. After examining the Pws1 to 4, the petitioner wants to mark some documents through PW4. As such, the petitioner filed a petition under Section 311 Cr.P.C. to recall PW4.

3. Admittedly, on perusal of the petition filed by the petitioner, it shows that it is completely bereft of facts, as the petitioner did not state what are all the documents required to be marked by PW4 and the reason itself is also very bald and vague. Moreover, it is also seen that PW4 is not an eye witness to the occurrence and as such, the Magistrate has rightly dismissed the petition. This Court finds no infirmity or illegality in the order passed by the Trial Court. Accordingly, this petition is dismissed. As the complaint in C.C.No.219 of 2014 is of the year 2014, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs

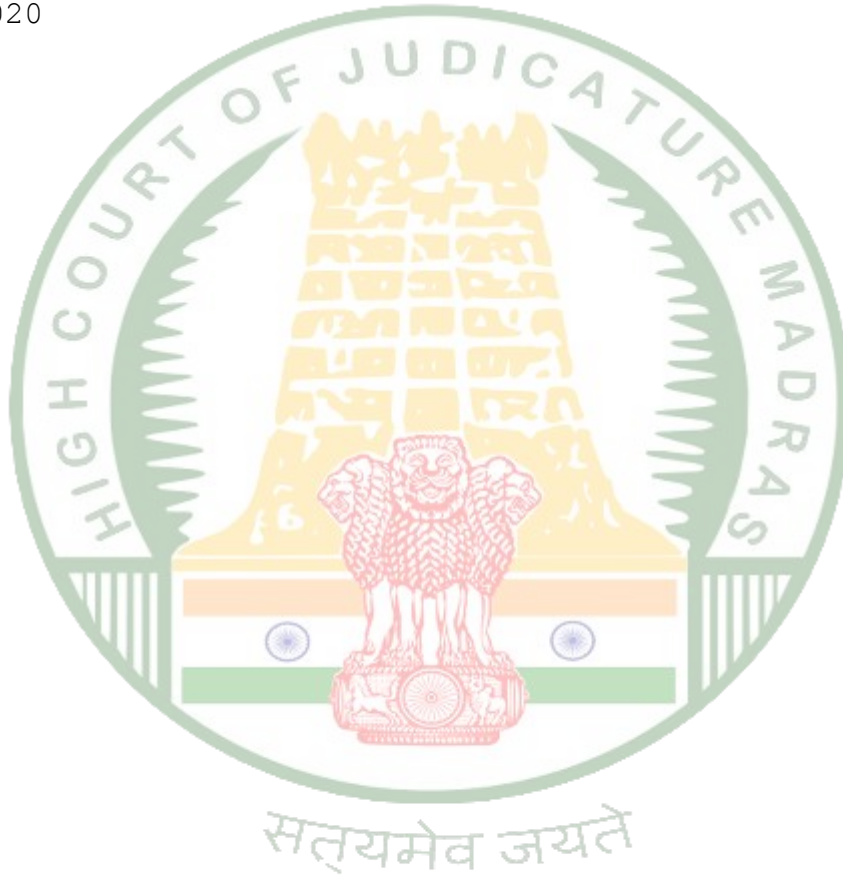
To

1. The Judicial Magistrate No.I,
Dharmapuri

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.2749 of 2020
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