

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.8565 of 2018

Lenin

... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
New Hope Police Station,
Uthagamandalam,
Nilgiris District.
Crime No.71/2014.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed by the learned Sessions Judge of Magalir Neethimandram (FTMC) Udhagamandalam at Nilgiris in C.MP.No.488 of 2017 in S.C.No.17 of 2015 dated 17.08.2017.

For Petitioner : Mr. V. Rajamohan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

This petition has been filed in the order passed in CMP.No.488 of 2017 in SC.No.17 of 2016, dismissing the application filed by the petitioner under Section 211 of Cr.P.C., to cross examine P.W1.

2. The learned Additional Public Prosecutor submitted that the petitioner is a sole accused. All the prosecution witnesses have been examined and the matter has been posted for argument. At that juncture, the Presiding Officer was transferred to some other Court. When the new Presiding Officer joined in the Court, the petitioner again filed a petition under Section 311 of Cr.P.C., to cross examine P.W.1.

3. It is seen that P.W.1 was not examined at the time of chief examination namely on 09.06.2016 by the petitioner herein. Thereafter, the petitioner filed CMP.No.319 of 2016 to recall P.W.1 for cross examination. The said petition was allowed by an order dated 30.08.2016 and thereafter, the petitioner extensively cross examined P.W.1 on 29.06.2016 and

also completed his cross examination as early as on 03.10.2016. Now, the petitioner utilising the new circumstances of joining new Presiding Officer, again the petitioner filed this petition for cross examination of P.W.1. It is nothing but only to drag the proceedings, that too filed when posted the matter for arguments. Therefore, the trial Court rightly dismissed the petition filed by the petitioner herein and this Court, finds no irregularity or infirmity in the order passed by the trial Court.

4. Accordingly, the criminal original petition stands dismissed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Sessions Judge of Magalir Neethimandram (FTMC)
Udhagamandalam at Nilgiris
- 2.The Inspector of Police,
New Hope Police Station,
Uthagamandalam,
Nilgiris District.
- 3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.O.P.No.8565 of 2018

RJI (CO)
GN(25/09/2020)

WEB COPY