

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5124 of 2020 and
Crl.MP.No.2926 of 2020

S.Senthilkumar Petitioner/Petitioner

Vs.

1.State by
The Inspector of Police,
Crime Branch CID,
Coimbatore Rural,
Tiruppur South Police Station

2.Amirthakadeswaran Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned District Judge, Tiruppur to examine Amirthakadeswaran as prosecution witness concerned in C.C.No.3 of 2019 pending on the file of the learned District Judge, Tiruppur enabling the defendant side to cross examine him.

For Petitioner : Mr.B.Nambiselvan

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the learned District Judge, Tiruppur to examine Amirthakadeswaran as prosecution witness concerned in C.C.No.3 of 2019 pending on the file of the learned District Judge, Tiruppur enabling the defendant side to cross examine him.

2. The learned Additional Public Prosecutor submitted that already the said Amirthakadeswaran was shown in the list of witnesses and he was examined as PW1 on 25.08.2006 itself in CC.No.84 of 2004 on the file of the Judicial Magistrate-II, Tiruppur. Subsequently, the case was transferred to the file of

the learned District Judge, Tiruppur and renumbered as CC.No.3 of 2019.

3. It is seen that the said person was already examined. That apart, an accused cannot choose prosecution witness for examination, and it is upto the prosecution to examine the witnesses to prove the case of the prosecution. Therefore, this petition is devoid of merits.

4. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Crime Branch CID,
Coimbatore Rural,
Tiruppur South Police Station

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Nambiselvan, Advocate, Sr.No.20161

सत्यमेव जयते

Cr1.O.P.No.5124 of 2020

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VBA (CO)
GS (22/05/2020)