

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No. 3610 of 2018

A. Sambandam ... Petitioner/Accused/Accused.

Vs.

1. State rep.by
Inspector of Police
S-15, Selaiyur Police Station
Tambaram. ...Respondent/Respondent/complainant.

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order passed in CMP.No.5819 of 2017 in C.C.No.403 of 2008 on 28.09.2017 by the learned Judicial Magistrate, Tambaram.

For Petitioner : M/s.P.Thiagarajan

For Respondent : Mr.C.Raghavan
Govt.Advocate

O R D E R

This petition has been filed challenging the order passed by the Court below made in CMP.No.5819 of 2017 dated 28.09.2017, dismissing the application filed by the petitioner under Section 311 of Cr.P.C.

2. The petitioner is facing trial before the Court below for offences under Section 341, 324 and 506 of the Indian Penal Code. PW1 was examined in chief and was cross examined by the petitioner. The cross examination was conducted on 06.02.2016. Thereafter on 09.08.2016, an application came to be filed under Section 311 of Cr.P.C. for carrying out corrections in the cross examination that was recorded from PW1. The Court below dismissed the said application on the ground that such a correction can be made only on the same day when the examination was conducted and no such corrections can be carried out after the deposition has been signed. In the present case an application came to be filed nearly after six months.

3. Heard Mr.P.Thiagarajan, learned counsel for the

petitioner and Mr.C.Raghavan, learned Government Advocate for the respondent.

4. In the considered view of this Court, this Court does not find any illegality or infirmity in the order passed by the Court below. Section 278 of the Code of Criminal Procedure prescribes the procedure to carry out the corrections of any part of the evidence. It is made clear under this provision that where a witness denies the correctness of any part of the evidence when the same is read over to him, the Presiding Judge can make a memorandum of the objection made by the witness and add such remarks as the Judge thinks necessary. There is no provision under the code of Criminal Procedure which enables an accused person to seek for a correction in the deposition of a witness after an exorbitant delay. If at all there is any correction while recording the deposition of a witness, the same has to be pointed out then and there and there is no question of making any corrections after the deposition has been signed by the witness.

5. In view of the above, this Court does not find any merits in this petition and accordingly the same is dismissed. The Court below is directed to complete the proceedings in C.C.No.403 of 2008 within a period of three months from the date of receipt of a copy of the order and the Court below shall conduct the trial on a day today basis.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Inspector of Police
S-15, Selaiyur Police Station
Tambaram.
2. The learned Judicial Magistrate,
Tambaram.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.3610 of 2018

SRA(CO)

NRA(23/02/2021)