



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19624 of 2021

and

Crl.M.P.No.10713 of 2021

R.Sivaprakash

... Petitioner

Vs.

N.Prabhakar Reddy

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order in Crl.M.P.No.1113 of 2021 in S.T.C.No.97 of 2017 on 27.08.2021 on the file of the Judicial Magistrate Fast Track Court, Hosur.

For Petitioner : Mr.M.Selvam

O R D E R

This Criminal Original Petition is filed to set aside the order in Crl.M.P.No.1113 of 2021 in S.T.C.No.97 of 2017 on 27.08.2021, on the file of the Judicial Magistrate Fast Track Court, Hosur.

2.The petitioner is an accused in S.T.C.No.97 of 2017 had filed a petition under Section 311 Cr.P.C., to recall the PW.1 in Crl.M.P.No.1113 of 2021. The Lower Court by order dated 27.08.2021, had dismissed the same, against which the present petition is filed.

3.The contention of the petitioner is that he had left some of the important questions to put to the witness, for want of specific instruction from the accused and some more documents have to be marked and that is the reason for filing the recall petition.

4.The respondent had filed his counter stating that PW1 has been examined in chief, thereafter cross examined two years back i.e., on 26.08.2019 and now to further drag on the proceedings, he had filed the above petition. The Lower Court considering the submissions of both the petitioner and the respondent had dismissed the same, finding that PW1 had been examined and cross examined in detail on 26.08.2019, further



during the arguments, the petitioner was unable to give any reason or materials, which are necessary to be put to the witness in support of his defence.

5.This Court finds that the petitioner has filed this present petition to protract the proceedings, since the case is of the year 2017 and kept pending for the past four years and the Lower Court had rightly dismissed the same. Further the Lower Court had passed a detailed order and this Court is not inclined to interfere with the order passed by the lower Court.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

drm/ah

To

1.The Judicial Magistrate,
Fast Track Court,
Hosur.

Crl.O.P.No.19624 of 2021

PMK (CO)
GMY (15/11/2021)