



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.6103 of 2021

Arumugam

... Petitioner

vs.

State represented by
The Sub-Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
(Crime No.138 of 2009)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to set aside the order passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in Cr.M.P.No.87 of 2020 in C.C.No.223 of 2009 dated 07.12.2020.

For Petitioner : Mr.R.Senthil Kumar

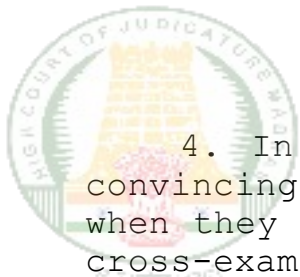
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner herein is facing trial in C.C.No.223 of 2009 on the file of the Judicial Magistrate, Manamadurai. The petitioner failed to cross examine any of the witnesses. He has filed Cr.M.P.No.87 of 2020 to recall and for cross-examination. The Court below by impugned order, dated 07.12.2020 dismissed the said petition. Challenging the same, this Criminal Original Petition came to be filed.

2. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds.

3. However, I am not persuaded by the said submission. As already pointed out by the learned Additional Public Prosecutor for the respondent, P.W.1 was examined in chief on 02.07.2012 and the other witnesses were examined in 2012 itself. One of the witnesses was examined on 05.01.2018. Recall petition came to be filed in 2020. The case itself is of the year 2009 and it is stated that the case is posted for judgment.



4. In these circumstances, the petitioner has not given any convincing reason for his failure to cross-examine the witnesses when they were examined in chief. It is the duty of the accused to cross-examine the witnesses after the chief examination is over. There has to be some exceptional reason if it could not be done. In this case, no reason has been set out. The trial Magistrate rightly dismissed the petition filed by the petitioner. The impugned order does not call for any interference. This Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl side)

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/ /2021

Sub Assistant Registrar(CS)

csm/mga

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional District Munsif cum Judicial Magistrate,
Manamadurai.
- 2.The Sub-Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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