



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.582 of 2021

and

Crl.M.P.(MD)No.6408 of 2021

1.Mohan

2.Senthil

3.A.Panneer Selvam

.. Petitioners/Petitioners/Accused

Vs.

The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.

(Crime No.172 of 2010)

.. Respondent/Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside the order passed in Crl.M.P.No.136 of 2019 in S.C.No.114 of 2018 on the file of the Additional Assistant Sessions Court, Additional Sub Court, Pudukkottai dated 05.02.2020.

For Petitioners

: Mr.R.Balakrishnan

For Respondent

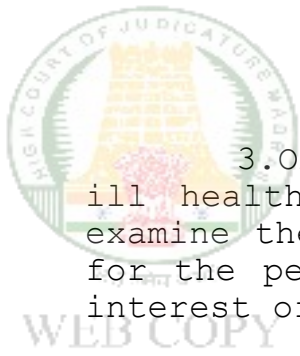
: Mrs.K.Asha

Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.136 of 2019 in S.C.No.114 of 2018 dated 05.02.2020, on the file of the Additional Assistant Sessions Court, Additional Sub Court, Pudukkottai.

2.A case in Crime No.172 of 2010 was registered against the petitioner under Sections 294(b), 307, 323 and 325 of IPC. The case was taken on file as S.C.No.114 of 2018 on the file of the Additional Sessions Court, Pudukkottai. The petitioner has filed a petition in Cr.M.P.No.136 of 2019 for recalling the witnesses, P.W.1, P.W.2, P.W.4 and P.W.5. The petition was dismissed by the trial Court. Against the same, the petitioner has preferred this Criminal Revision Case.



3. On the side of the petitioners, it is stated that due to ill health of the advocate, the advocate was not able to cross examine the witnesses P.W.1, P.W.2, P.W.4 and P.W.5. An opportunity for the petitioners to put-forth their case is to be given in the interest of justice and prayed the impugned order to be set aside.

4. On the side of the respondent, it is stated that the reasons stated in the petition is a false one. The witnesses 1 to 5 were examined on the same date. Out of the five witnesses, the petitioners have cross examined P.W.3. The counsel was able to examine P.W.3 and it proves that there was no ill health and prayed the petition to be dismissed.

5. It is seen that P.W.3 was cross examined on the side of the petitioners. But the petitioners failed to cross examine the witnesses P.W.1, P.W.2, P.W.4 and P.W.5 who were examined on the same date. The reason stated by the petitioners is unsustainable. However, in a criminal case, an opportunity for the petitioners to put forth their case in the interest of justice is to be given.

6. In the above circumstances, this Criminal Revision Case is allowed on condition that the petitioners have to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, Periyakulam), on or before 03.12.2021. Consequently, connected miscellaneous petition is closed. The petitioners are directed to pay batta for the witnesses.

7. Post the matter on 06.12.2021 'for reporting compliance'.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

Note : (i) 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 Assistant Sessions Court,
Additional Sub Court, Pudukkottai.
- 2.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
- 3.The District Siddha Medical Officer,
CCRI, Periyakulam.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.582 of 2021
25.11.2021

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TR/SKN(26.11.2021) 3P 5C