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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4181 of 2022

and

Crl.M.P.No.2077 of 2022

Ravivenkadachalapathi

... Petitioner /Accused

Vs

State rep. By
The Inspector of Police,
All Women Police Station,
Avinasi, Tiruppur District

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.M.P.No.415 of 2021 in Spl.S.C.No.41 of 2021 on the file of the learned Fast Tract Mahila Judge, Tiruppur, by order dated 31.12.2021 and set aside the same.

For Petitioner : Mr.R.Rajprabhu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 31.12.2021 passed by the learned Fast Track Mahila Judge, Tiruppur made in C.M.P.No.415 of 2021 in Spl.S.C.No.41 of 2021, dismissing the application filed under Seciton 311 of Cr.P.C., to recall PW1, PW2, PW3 & Investigating Officer.

2. The learned counsel appearing for the petitioner would submit that the petitioner is charged for the offence under Section 9(n) r/w 10 of Protection of Children from Sexual Offences Act 2012 and Section 506(i) of IPC. The prosecution witnesses PW1, PW2, PW3 and IO were examined in chief and they were also cross examined. The petitioner now found that certain



important aspects in the case were left out to be examined from the witnesses and thereby, he had filed the petition seeking for recall of witnesses, whereas, the Trial Court failed to take into consideration the necessity had dismissed the application. Thereby, he seeks to set aside the order dated 31.12.2021, made in C.M.P.No.415 of 2021 in Spl.S.C.No.41 of 2021

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor (criminal side) would submit that the petitioner had cross examined all the witnesses in detail, now the case has been posted for argument of the accused. Only inorder to delay the process, the petitioner has filed this petition and no specific reason has been stated to recall the witnesses. More than that the victim child/PW2 is 13 years old and the Trial Judge rightly found that there is no need for recalling PW1 to PW3 and Investigation Officer, had dismissed the petition. He would further submit that there is no infirmity in the order. Further, the order was pronounced as early as on 31.12.2021 and this petition has filed very recently.

4. Heard both sides and perused the materials available on record.

5. This Court is of the opinion, the petitioner is not made out any valid ground for recalling the witnesses and the Trial Court had rightly dismissed the petition.

6. In view of the above, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

shk/sai

To

1.The Fast Track Mahila Judge,
Tiruppur.

2.The Inspector of Police,
All Women Police Station,
Avinasi, Tiruppur District.



3.The Public Prosecutor,
Madras High Court,
Madras.

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+lcc to Mr.R.Rajprabhu, Advocate SR.No.16736(23/03/2022)

Cr1.O.P.No.4181 of 2022
and
Cr1.M.P.No.2077 of 2022

MG(CO)
CB(16/03/2022)