



WEB COPY



Crl.O.P.No.5679 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5679 of 2022

and

Crl.M.P.No.3136 of 2022

Shanmugasundaram

....

Petitioner

Vs

State rep by
Inspector of Police,
All Women Police Station,
Harur.

....

Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 14.12.2021 passed in Crl.M.P.No.3582 of 2021 in C.C.No.51 of 2012 on the file of the Judicial Magistrate Court, Harur, Dharmapuri.

For Petitioner : Mr.J. Pradeep

For Respondent : Mr.E. Raj Thilak

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order dated 14.12.2021 passed in Crl.M.P.No.3582 of 2021 in C.C.No.51 of 2012 on the file of the Judicial Magistrate Court, Harur, Dharmapuri, thereby allowing the petition filed under Section 311 of Cr.P.C to recall



Crl.O.P.No.5679 of 2022

P.W.1 filed by the prosecution.

WEB COPY

2. Heard, Mr.J. Pradeep, the learned counsel appearing for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that the documents, which were intended to mark through P.W.1, are no way related to the case. Therefore, the Court below ought not to have allowed the petition to recall P.W.1.

4. A perusal of the records reveals that the petitioner is facing charges for the offence under Sections 494, 498A of IPC and Section 4 of Dowry Prohibition Act, the documents are relevant or irrelevant can come to the light only during the trial. However, the petitioner can very well cross examine P.W.1 in respect of the documents which are going to be marked. Therefore, no prejudice would be caused to the petitioner, to mark documents through P.W.1.

5. In view of the above, this Court finds no infirmity or illegality



Crl.O.P.No.5679 of 2022

in the order passed by the Court below. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

13.09.2022

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
vsn/Lpp

To

1. The Judicial Magistrate,
Harur, Dharmapuri.

2. The Inspector of Police,
All Women Police Station,
Harur.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J,



WEB COPY



Crl.O.P.No.5679 of 2022

vsn/Lpp

Crl.O.P.No.5679 of 2022

13.09.2022