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Crl.M.P.No.8880 of 2021

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in

Crl.O.P.No.2205 of 2020

**G.K.ILANTHIRAIYAN, J.**

The petition has been filed under Section 482 of Cr.P.C. to set aside the order dated 16.03.2021 passed in Crl.M.P.No.48 of 2021 in S.C.No.191 of 2015 on the file of learned Mahila Session Judge, Salem and to permit the petitioner/accused to cross examine the PW1.

2. The petitioner is an accused in S.C.No.191 of 2015 charged for the offences punishable under Sections 366, 417, 376(1) and 313 of IPC. So far, the prosecution have examined all the witnesses. However, the petitioner had chosen to cross examine and as such, have filed a petition in Crl.M.P.No.4 of 2019 in S.C.No.191 of 2015 on the file of learned Sessions Judge, Mahila Court, Salem, to recall PW4 to PW13. As the matter was posted for cross questioning under Section 313 of Cr.P.C., the same was dismissed on 26.12.2019. Aggrieved by the same, the petitioner had filed a petition before this Court in Crl.O.P.No.2205 of 2020, to set aside the order



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dated 26.12.2019 in Crl.M.P.No.4 of 2019 in S.C.No.191 of 2015.

However, this Court, by order dated 04.02.2020 in Crl.O.P.No.2205 of 2020 allowed only to recall PW5 to PW13. Thereafter, the petitioner recalled PW5 to PW9 and PW10 to PW13 are yet to be cross examined. Again, the petitioner filed a petition to recall PW1 in Crl.M.P.No.48 of 2021 in S.C.No.191 of 2015 on the file of Sessions Judge, Mahila Court, Salem for cross examination, as the petitioner had failed to recall PW1 once again while recalling PW4 to PW13 and the same was dismissed on 16.03.2021.

3. In fact, after allowing the petition in Crl.O.P.No.2205 of 2020 for cross examining PW5 to PW13, the petitioner had so far cross examined only PW5 to PW9 and failed to cross examine PW10 to PW13. While it was pending for cross examination of PW10 to PW13, again the petitioner had filed a petition to recall PW1, which is nothing but dragging the proceedings.

4. That apart, the learned Government Advocate (Crl.side) submitted that now entire case arguments have been heard on both sides and the matter



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is posted for judgment on 14.06.2022.

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5. Therefore, this Court finds no infirmity or inferiority in the order passed by the court below. Hence, this Criminal Miscellaneous Petition is dismissed.

13.06.2022

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