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Crl.O.P.No.20874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2022

CORAM:

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

Crl.O.P.No.20874 of 2022

and

Crl.M.P.No.13656 of 2022

1. M.Sekar

2. Anandan

....

Petitioners

Vs

The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai – 26

....

Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 04.07.2022 in Crl.M.P.No.1830 of 2022 in C.C.No.837 of 2016 on the file of the XVII Metropolitan Magistrate, Saidapet.

For Petitioners : Mr.R.Sundar

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 04.07.2022 in Crl.M.P.No.1830 of 2022 in C.C.No.837 of 2016 on the



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file of the XVII Metropolitan Magistrate, Saidapet, thereby allowing the petition filed under Section 311 of Cr.P.C.

2. Heard, Mr.R.Sundar, learned counsel appearing for the petitioners and Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioners are arrayed as A1 and A2 and they are facing charges under Section 406 and 420 of IPC. When the matter was posted for Judgment, the prosecution filed a petition under Section 311 of Cr.P.C to recall and re-examine P.W.1 and to mark additional documents through him. Without assigning any reason, the Court below mechanically allowed the petition filed by the prosecution.

4. A perusal of the records reveals that the respondent filed a petition to recall and re-examine P.W.1 and to mark six number of original bank challans through him which were not recovered during investigation. It is



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made clear that the application can be entertained even before pronouncing judgment.

5. Considering the above facts and circumstances of the case, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

05.09.2022

Index: Yes/No

Speaking/Non speaking order

Lpp

To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai – 26

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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