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Crl.O.P.No.25103 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.25103 of 2022 and
Crl.M.P.No.15643 of 2022

Anbalagan

... Petitioner

Vs.

Premavathy

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in CMP No.3575/2022 in M.C.No2/2018 on the file of the Judicial Magistrate, Polur and set aside the same.

For Petitioner : Mr.V.Thiyagaranan

ORDER

This Criminal Original Petition has been filed challenging the order passed in CMP No.3575/2022 in M.C.No2/2018 dated 01.09.2022 by the Judicial Magistrate, Polur.



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2. The learned counsel for the petitioner submitted that the respondent, who is the wife of the petitioner, has filed a petition in M.C.No.02/2018 seeking maintenance of Rs.10,000/- per month, on the file of the Judicial Magistrate, Polur. He further submitted that in that case, the respondent herein was examined as PW1 and she was cross examined by the petitioner herein. Subsequently, the petitioner has filed a petition to recall PW1 for further cross examination to elucidate the facts that she is living separately for the past 18 years and is having residential flat worth about 3 Crores. But the above petition was dismissed by the Trial Court. Hence this petition.

3. Heard the counsel for the petitioner and I have perused the materials on record.

4. A perusal of the records reveals that the petitioner herein is the husband of the respondent herein and the respondent has filed a petition under Section 125 of Cr.P.C. seeking maintenance of Rs.10,000/- from the petitioner. In that case, the respondent herein was examined as PW1 and she was cross examined fully by the petitioner herein. Subsequently, the case was



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posted for examination of respondent side witnesses. In such circumstances, the petitioner has filed a recall petition, stating that some important points has to be elucidated by cross examining the PW1, which were omitted to be done by the counsel, inadvertently.

5. After considering the rival submissions made by the learned counsel on either side, the Trial Court has dismissed the petition, mainly on the ground that already the petitioner has cross examined the PW1 sufficiently, knowing all the facts, which he wants to be elucidated through further cross examination and also he has not given any reason for not putforth the questions to the PW1 during cross examination, now he wanted to be elucidated. Therefore, this Court is of the view that the Trial Court has elaborately discussed the matter and has passed reasoning order and hence, the same does not warrant any interference by this Court. As such, this petition has no merits and deserves to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

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V.SIVAGNANAM, J.

mst

To:

The Judicial Magistrate, Polur.

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