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Crl.O.P No.26368 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.26368 of 2022

R.Sengathirselvan

... Petitioner

Vs

1.Pappy

2.The State Rep. by
The Inspector of Police
DCB, Perambalur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order dated 07.07.2022 passed in Crl.Rev. No.15 of 2022 by the learned Principal District and Sessions Judge, Perambalur by setting aside the order dated 05.05.2022 passed in CMP No.2675 of 2021 in C.C No.73 of 2019, by the Judicial Magistrate No.I, Perambalur.

For Petitioner : Mr.C.Vidhusan

For Respondent : Mr.S.Santhosh for R2
Government Advocate (Crl.side)



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ORDER

The Criminal Original Petition has been filed, challenging the order of the learned Principal District and Sessions Judge, Perambalur dated 07.07.2022 made in Crl.Rev.No.15 of 2022.

2. Heard both sides.

3. The petitioner is the de-facto complainant on whose complaint the case in Crime No.193 of 2013 of Perambalur DCB police, corresponding to C.C No.73 of 2019 was registered. After the charge sheet was filed, the trial was commenced and 10 prosecution side witnesses were examined. The 1st respondent/accused has filed a petition to recall PW.1 to PW.8 before the trial Magistrate, Perambalur in CMP No.2675 of 2021 in C.C No.73 of 2019 and the said petition was dismissed. The 1st respondent has filed a revision against the order of the learned Magistrate in Crl.Rev.No.15 of 2022 before the Principal District and Sessions Court, Perambalur and the same was allowed on 07.07.2022 by setting aside the order of the learned Magistrate.



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Aggrieved over that, the present petition has been filed.

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4. The learned counsel for the petitioner submitted that after the chief examination of PW.1 to PW.8, the case was adjourned for cross examination, but the 1st respondent had expressed his unwillingness to cross examine and it was recorded by the Court and on that basis, the evidence was closed; the petition to recall the witnesses has been filed by the 1st respondent, just to drag the proceedings; hence the said petition ought to have been dismissed.

5. On perusal of the order of the learned Principal District and Sessions Judge, Perambalur, it is seen that the District and Sessions Judge has considered the interest of justice and chosen to grant an opportunity to the 1st respondent to cross examine the witnesses. Hence, I find no reason to interfere with the order of the learned Principal District and Sessions Judge, Perambalur. However, I feel it is appropriate to direct the trial Court viz., Judicial Magistrate Court No.I, Perambalur, to fix a date for cross examining all the witnesses and complete the cross examination without making them to wait for a long time in Court.



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6. With the above observation, this Criminal Original Petition is dismissed and the order of the learned Principal District and Sessions Judge, Perambalur, dated 07.07.2022 made in Crl.Rev.No.15 of 2022, is hereby confirmed.

02.11.2022

Index : Yes/ No
Speaking Order: Yes/No
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To

1. The Principal District & Sessions Judge,
Perambalur.
2. The Judicial Magistrate No.I,
Perambalur.
3. The Inspector of Police
DCB, Perambalur.
4. The Public Prosecutor
High Court of Madras.



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R.MANJULA, J

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