



CrI.O.P.No.30282 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30282 of 2022

and

CrI.M.P.No.18556 of 2022

1.Kandan
2.Kanakaraj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.634 of 2015)

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the Order dated 17.10.2022 passed by the learned Additional District and Sessions Judge, Salem in C.M.P.No.506 of 2022 in S.C.No.166 of 2017.

For Petitioners : Mr.L.Mouli

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)



Crl.O.P.No.30282 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside the Order dated 17.10.2022 passed by the learned Additional District and Sessions Judge, Salem in C.M.P.No.506 of 2022 in S.C.No.166 of 2017.

2. The perusal of the records shows that the petitioners had already filed petitions under Section 311 of CrPC for recalling of witnesses in C.M.P.Nos.200 and 201 of 2020. Those petitions were dismissed by the trial Court on 05.11.2020. Against the dismissal of C.M.P.Nos.200 and 201 of 2020, the petitioners filed Revision before this Court in Crl.M.P.No.19888 and 19904 of 2020 and Crl.O.P.Nos.8164 and 8171 of 2020. This Court dismissed both the petitions by a common order dated 15.12.2020. It appears that these two petitions filed by the petitioners under Section 311 of CrPC are for the same relief of recalling the same witnesses.

3. In view of the dismissal of 311 CrPC petitions earlier by the trial Court and subsequently, confirmed by this Court, this Court is of the view that the petitions filed by the petitioners were rightly dismissed by the trial Court.



CrI.O.P.No.30282 of 2022

WEB COPY

4. There is no reason to interfere with the order of the learned trial Judge.

Therefore, the order dated 17.10.2022 passed by the learned Additional District and Sessions Judge, Salem in C.M.P.No.506 of 2022 in S.C.No.166 of 2017 is confirmed and this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

08.12.2022

Index: Yes/No

Speaking/Non speaking order

gd

To

1. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.30282 of 2022

G.CHANDRASEKHARAN.J.,

gd

Crl.O.P.No.30282 of 2022

08.12.2022