



Crl.O.P.No.31021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31021 of 2022

K.Sanjay @ Chelladurai

...Petitioner

/vs/

State rep. By
The Inspector of Police,
Erode Town Police Station,
Erode District.
Crime No.382 of 2019

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to set aside the order as for the concern of P.W.1, P.W.4, and L.W.8 (Prakash) dated 16.12.2021 passed by the learned Special Mahila Judge, Mahila Court, (Mahila Fast Track Court), Erode in Crl.M.P.No.570 of 2021 in Spl.S.C.No.37 of 2019.

For Petitioner

... Mr.C.S.S.Pillai

For Respondent

... Mr.S.Santhosh

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to to set aside the order concerning P.W.1, P.W.4, and L.W.8 (Prakash) dated 16.12.2021 passed by the learned Special Mahila Judge, Mahila Court, (Mahila Fast Track Court), Erode in Crl.M.P.No.570 of 2021 in Spl.S.C.No.37 of 2019.

2. The learned counsel for the petitioner submitted that the petitioner filed a petition under Section 311 of Cr.P.C before the learned Special Mahila Judge, Mahila Court (Mahila FTC), Erode in Crl.M.P.No.570 of 2021 for recall of witnesses *P.W (1 to 7, 9,10) and L.W.8* on 08.09.2021. The learned Judge allowed the said petition in part in respect of *P.W (2, 3, 5-7, 9, 10)*, but dismissed the petition in respect of *P.W (1, 4) and L.W.8*. He further submitted that the cross examination of these witnesses is necessary to prove the case of the accused. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) opposed the petition on the ground that the *P.W (1, 4)* was already been cross examined.

4. This Court on going through the records found that PW1 and



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PW4 were already cross-examined by the defense. Therefore, further cross-examination will amount to harassment to the witnesses. LW8 can be examined as defence witness and not as prosecuting witness.

5. Therefore, the order made by the learned Special Mahila Judge, Mahila Court (Mahila FTC), Erode in Crl.M.P.No.570 of 2021 dated 16.12.2021 is confirmed.

6. Accordingly, this Criminal Original petition is dismissed.

15.12.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
sma



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G.CHANDRASEKHARAN, J.

sma

To

1. The Inspector of Police,
Erode Town Police Station,
Erode District.
2. The Public Prosecutor,
High Court, Madras.

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