



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.5629 of 2022

and

Crl.M.P(MD) No.4013 of 2022

1.Yogesh @ Yokenthiran
2.Rajendran
3.Selvi

... Petitioners/Petitioners/
Accused 1 to 3

Vs.

The State represented by
The Sub-Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
(Crime No.4 of 2014)

... Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records made in CMP No.1594/2020 in CC No.6/2015 on the file of the Judicial Magistrate, Thiruvaiyaru, Thanjavur District dated 15/04/2021 and set aside the same.

For Petitioners : Mr.S.T.Sasidharan Tamilkani
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to call for the records made in CMP No.1594/2020 in CC No.6/2015 on the file of the Judicial Magistrate, Thiruvaiyaru, Thanjavur District dated 15/04/2021 and set aside the same.

2.The petitioners are arrayed as A1 to A3 in CC No.6 of 2015 having been taken cognizance for the offences under Sections 471,294(b),493, and 506(i) of IPC r/w.109 of IPC. PW.1 to PW.4 were examined in Chief on 15.07.2015. Infact after six years, the petitioner has filed this petition under Section 311 of Cr.P.C to recall PW.1 to 4. The reason stated by the petitioner for not cross examining PW.1 to PW.4 is that his advocate was not present on the date of hearing. The petitioner has dragged the trial upto six years and thereafter filed the petition to recall PW.1 to PW.4 herein, therefore the trial Court has rightly dismissed the petition filed by the petitioner for recall of PW.1 to PW.4



3.Hence this Court finds no illegality or infirmity in the order passed by the Court below.

4. In the result, the Criminal Original Petition stands dismissed . Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate, Thiruvaiyaru,
Thanjavur District.
2. The Sub-Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-14795[F]
dated 28/03/2022)

Crl.O.P.(MD) No.5629 of 2022

and

Crl.M.P(MD) No.4013 of 2022

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