



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.3573 of 2022

and

Crl.M.P.(MD) No.2626 of 2022

Utchimahali

...Petitioner/Petitioner/Accused

Vs.

State represented by the
Inspector of Police,
Manur Police Station,
Tirunelveli District

...Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating in Cr.M.P No.10725 of 2021 in C.C No.265 of 2015 on the file of the learned Judicial Magistrate No.V, Tirunelveli and to set aside the same.

For Petitioner : M/s.M.Pandian

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

The petition has been filed to set aside the order passed by the Court below in Cr.M.P.No.10725 of 2021 in C.C.No.265 of 2015, thereby, dismissed the petition to recall PW7 for further examination.

2.The petitioner is an accused, who has been charged for the offences under Sections 294 (b), 353 and 506 (2) r/w Section 4(1)(J) of Tamil Nadu Provision Act. On the side of the prosecution all the witnesses have been examined and when the matter was posted for quash under Section 313 of Cr.P.C, the petitioner filed the petition to recall PW7 for further examination.

3.On perusal of the petition filed by the petitioner to recall PW7 for the reason that as against PW7 already case has been registered in Crime No.2 of 2019 and recovered a sum of Rs.34 lakhs alleging that he has misappropriated the said amount from the Civil Supplies Corporation.

4.On perusal of the deposition of PW7, it is revealed that he has been extensively cross examined and as such, the present petition is nothing but only to drag the proceedings that too when the matter is posted for quash under Section 313 of Cr.P.C. Further, the matter has to be examined further from PW7 is no way



connected with the offence committed by the petitioner. Therefore, the Court below has rightly dismissed and this Court finds no infirmity or illegality in the order passed by the Court below.

5. Therefore, the criminal original petition is dismissed. However, the trial Court is directed to complete the trial and dispose of the same within a period of three months from the date of receipt of a copy of the order. Accordingly, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

lr

To

1. The Judicial Magistrate No.V,
Tirunelveli

2. The Inspector of Police,
Manur Police Station,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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MGJ(05.04.2022) 2P 4C