



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

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

Crl.O.P.(MD) No.5353 of 2022

Premkumar

...Petitioner/Petitioner

Vs.

The State Rep by
The Sub-Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District.
(Crime No.63/2012)

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to issue a direction to set aside the order in Crl.MP.No.3062/2021 on the file of the Learned Additional District Munsif Cum Judicial Magistrate, Manamadurai dated 23/02/2022

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to set aside the order in Crl.MP.No.3062/2021 on the file of the Learned Additional District Munsif Cum Judicial Magistrate, Manamadurai dated 23/02/2022

2. The petitioner is the accused in CC No.42 of 2013 which has been taken cognizance for the offence under Sections 341,294(b), 324,506(ii) of IPC. Prosecution has examined PW.1 to PW.4 on 24.07.2015 and 24.08.2016, but the petitioner did not cross examine them. Thereafter the prosecution has examined PW.5 to PW.10 on 23.09.2016, 13.11.2017, 24.02.2020, 22.11.2021 and 22.11.2021. All the witnesses were duly cross examined by the petitioner. Even then the petitioner did not choose to file any petition to recall PW.1 to PW.4, even before examining PW.5. Since PW.5 to PW.10 were examined on 23.09.2016 after 5 ½ years from the date of examining PW.5, the petitioner has filed this petition to recall PW.1 to PW.4 that too when the matter is posted for questioning.

3. The learned counsel for the petitioner would submit that the counsel who appeared for the petitioner before the trial Court



fell ill and as such the petitioner was unable to file petition to recall PW. 1 to PW.4.

4. As stated supra, after examining PW.1 to PW.4, prosecution has examined PW.5 to PW.10 and they were duly cross examined by the petitioner's counsel, therefore the Court below has rightly dismissed the petition.

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

6. In the result, the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(AS)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Manamadurai.
2. The Sub-Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD) No.5353 of 2022
23.03.2022

TR(01.04.2022) 2P 4C