



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6321 of 2022

&

Cr1.O.P(MD)No.4373 of 2022

WEB COPY

1. Bagavathy

2. Sundaram

... Petitioners

Vs

The State through,
The Inspector of Police,
Nilakottai Police Station,
Dindigul,
Dindigul District.
(Crime No.180/2016)

... Respondent

PRAYER :- Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records pertaining to the order passed by the Additional District and Session Judge,Dindigul passed in Cr1.MP.No.4380 of 2021 in S.C.No.33 of 2017 dated 8.2.2022 and set aside the same by allowing the above Criminal Original Petition.

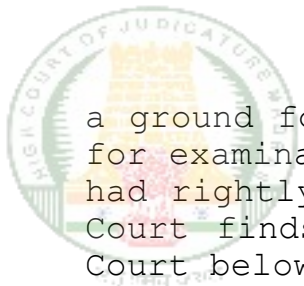
For Petitioners : Mr.Sarvagan Prabhu

For Respondent : Mr.R.M.Anbunithi,
R1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Additional District and Session Judge, Dindigul in Cr1.MP.No.4380 of 2021 in S.C.No.33 of 2017, on 8.2.2022, thereby, dismissing the petition filed under Section 311 of Cr.P.C, to cross examine PW1 and PW2.

2.The petitioners are A1 and A5, having been charged for the offences punishable under Sections 147, 148, 304 r/w 149, 506(ii) IPC. The prosecution has examined all the witnesses and the case is posted for defense side witnesses. Now the petitioner has filed a petition under Section 311 of Cr.P.C., to cross examine PW1 and PW2. Prior to 1 ½ years, the prosecution has already examined PW1 and PW2, thereafter, other witnesses were also examined on the side of prosecution. In fact, the earlier counsel on record has cross examined PW1 and PW2, in full. As per the instruction of new counsel engaged by the petitioner, now he filed a petition seeking for further examination of PW1 and PW2. The change of counsel is not



a ground for further examination, that too, when the case is posted for examination of defense side witness. Therefore, the Court below had rightly dismissed the petition filed by the petitioner and this Court finds no infirmity or illegality in the order passed by the Court below.

3. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

1. The Additional District and Session Judge, Dindigul.

2. The Inspector of Police,
Nilakottai Police Station,
Dindigul,
Dindigul District.

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

+1 CC to M/s.S. SARVAGAN PRABHU, Advocate (SR-17648[F] dated 08/04/2022)

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RK(28.04.2022) 2P 5C