



Crl.O.P.(MD)No.12483 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.12483 of 2022

and

Crl.M.P(MD)No.7903 of 2022

Rajendran

...Petitioner

vs

State represented by
The Inspector of Police,
C.S.C.I.D., Virudhunagar.
(Cr.No.436 of 2011)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and to set aside the order, dated 23.03.2022 passed in Crl.R.P.No.6 of 2019 on the file of the learned Additional District and Sessions Judge, Virudhunagar, confirming the order, dated 22.05.2019 passed by the learned Judicial Magistrate No.I, Virudhunagar in Cr.M.P.No.2192 of 2019 in C.C.No.138 of 2013.

For Petitioner

: Mr.T.Lenin Kumar

For Respondent

: Mr.R.Suresh Kumar
Government Advocate (Crl.side)



Crl.O.P.(MD)No.12483 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside the order, dated 23.03.2022 passed in Crl.R.P.No.6 of 2019 on the file of the learned Additional District and Sessions Judge, Virudhunagar, confirming the order, dated 22.05.2019 passed by the learned Judicial Magistrate No.I, Virudhunagar in Cr.M.P.No.2192 of 2019 in C.C.No. 138 of 2013.

2.Head the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side) appearing for the Respondent.

3.The learned Counsel for the Petitioner submitted that the Petition filed by the accused in Crl.M.P.No.2419 of 2019 was dismissed by the learned Judicial Magistrate-I, Virudhunagar, on the ground that when the witnesses were available, the Petitioner had not exercised their right to cross examine and on the ground that the Petition was filed belatedly. It is the contention of the learned Counsel for the Petitioner that the witnesses cited by the prosecution are all official witnesses.



Crl.O.P.(MD)No.12483 of 2022

WEB COPY

4.It is to be noted that when witnesses are present in Court, the learned Counsel for the accused shall cross examine the witness then and there. But inspite of several directions issued by the Honourable Supreme Court, it is found that invariably in all cases, the appearing Counsels seek time to recall witnesses, as though it is their right to recall witnesses. Here, in this case, the learned Counsel for the Petitioner submits that only one opportunity may be given to the Petitioner to recall witnesses.

5.It is found that the case is based on Clause 6(4) TNSC (RDCS) Order 1982, r/w 7(1)(a)(ii) of Essential Commodities Act, 1955. The final report was taken cognizance by the learned Judicial Magistrate in the year 2013. Crl.M.P.No.2142 of 2019 was filed to recall witnesses, who were examined in 2014. The learned Government Advocate (Crl.side) submitted that Section 313 Cr.P.C., proceedings are also over. The case is posted for arguments on 22.11.2022. Exercising the inherent power under Section 482 Cr.P.C., this Court cannot distinguish or differ from the view expressed by the Honourable Supreme Court in the case of ***Vinod Kumar v. State of Punjab reported in (2015) 1 MLJ (Crl) 288 (SC)***. Therefore, this



Crl.O.P.(MD)No.12483 of 2022

Petition has no merit and hence, dismissed. Consequently, connected
Miscellaneous Petition is closed.

WEB COPY

27.10.2022

Index:Yes/No

cmr

To

The Inspector of Police,
C.S.C.I.D., Virudhunagar.



WEB COPY



Crl.O.P.(MD)No.12483 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

cmr

CRL.O.P(MD)No.12483 of 2022

27.10.2022