



Crl.O.P.No.3402 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3402 of 2023

and

Crl.M.P.No.2110 of 2023

1. Deniba

2. Silambarasan

3. Vicky @ Vignesh

.. Petitioners

Vs

The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 19.12.2022 in Crl.M.P.No.632 of 2022 in S.C.No. 180 of 2017, pending on the file of the III Additional District and District and Sessions Judge, Salem.

For Petitioner : Mr.M.Rakhi

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 19.12.2022 in Crl.M.P.No.632 of 2022 in S.C.No. 180 of 2017, pending on the file of the III Additional District and District and Sessions Judge, Salem.

2. The learned counsel for the petitioner submitted that, petitioner filed petition for recalling PW3 for the purpose of Cross Examination and PW1, PW2, PW4 to PW9 for the purpose of further cross-examination. The reason is that, since petitioners were in jail, PW3 was not cross-examined other witnesses had not been properly cross-examined. However, learned trial Judge without considering petitioner's claim, dismissed the petition for recall of witnesses. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, petition filed in respect of cross-examination of PW3 was allowed. However, finding PW1, PW2 and PW 4 to PW9 were already cross-examined, the learned Judge dismissed the petition in respect of PW1, PW2 and PW4 to PW9. Thus, he prays for dismissal of the petition.



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4. Considered the rival submissions and perused the records. It is seen from the order of the learned III Additional Sessions Judge, Salem in Crl.M.P. 632 of 2022, that PW1, PW2 and PW4 to PW9 were already cross-examined by the petitioners. PW1 was already recalled and cross-examined by A4 on 05.09.2022. PW3 was recalled and cross-examined by A4, A6 and A8 on 05.09.2022. In the said circumstances, the learned Judge allowed the petition in part permitting recall of PW3 for the purpose of cross-examination and dismissed the petition for the recall of PW1, PW2 and PW4 to PW9 for further cross-examination.

5. In view of the cross examination of PW1, PW2 and PW4 to PW9, this Court finds no merits for recalling PW1, PW2 and PW4 to PW9 for the purpose of further cross-examination and this Court finds no need to interfere with the order of the learned III Additional Sessions Judge Salem in Crl.M.P.No. 632 of 2022 dated 19.12.2022.

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

21.04.2023

Sma



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G.CHANDRASEKHARAN,J.

sma

To,

1. III Additional Sessions Judge, Salem
2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.

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