



Crl.O.P.No.21414 of 2018

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

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

Crl.O.P.No.21414 of 2018

1) Mani

2) Mani @ Manikumar

... Petitioners

Vs

State Rep. by
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to set aside the order dated 20.03.2018 made in Crl.M.P.No.556 of 2018 in C.C.No.22 of 2010 on the file of the Judicial Magistrate Court No.II, Hosur.

For Petitioners : No appearance

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

This Criminal Original petition has been filed challenging the order passed in Crl.M.P.No.556 of 2018 in C.C.No.22 of 2010 on the file of the Judicial Magistrate Court No.II, Hosur, thereby dismissed the application filed under section 311 of Cr.P.C.

2. These petitioners are the accused in C.C.No.22 of 2010. The respondent filed a final report and the same has been taken cognizance by the trial court in C.C.No.22 of 2010 for the offence under section 457, 360 of IPC. After commencement of Trial, the prosecution had examined its witnesses i.e., P.W.1 to P.W.5 on 04.6.2010. Thereafter, P.W.7 was examined on 27.02.2016 and P.W.8 and 9 was examined on 09.03.2016. Though the learned counsel for the petitioner was very much appeared before the Trial Court, he failed to Cross-examine all the prosecution witnesses. Thereafter, the prosecution had examined other witnesses, when the Trial Court posted the case for Defence side witness, the petitioners filed an application under section 311 of Cr.P.C to reopen the case of the prosecution for the cross-examination of prosecution



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witnesses. It was filed after eight years from the date of Chief Examination.

3. Therefore, the Trial Court rightly dismissed the said application filed under section.311 of Cr.P.C. This court finds no infirmity or illegality of the order passed by the Trial Court.

4. Accordingly, this Criminal Original Petition is dismissed.

16.11.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
gvn

To

- 1) The Judicial Magistrate Court No.II,
Hosur.
- 2) The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
- 3) The Public Prosecutor,
High Court Madras.



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G.K.ILANTHIRAIYAN, J.

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