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Crl.O.P.No.11995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.11995 of 2023
and Crl.M.P.No.7330 of 2023

1.Thendral

2.Mullaivanam

3.Babu

4.Raja

5.Kalaivani

...Petitioners

Vs.

The State Rep by
The Sub-Inspector of Police,
Kalpakkam Police Station,
Chengalpattu District.
Cr.No.15 of 2014

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 22.05.2023 in Crl.M.P.No.1643 of 2023 in C.C.No.75 of 2019 passed by the learned District Munsif cum Judicial Magistrate, Thirukazhukundram.



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For Petitioners : Mr.G.Mageshkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate(Criminal side)

ORDER

This Criminal Original Petition is filed to set aside the order dated 22.05.2023 in Crl.M.P.No.1643 of 2023 in C.C.No.75 of 2019 passed by the learned District Munsif cum Judicial Magistrate, Thirukazhukundram.

2.The learned counsel for the petitioners submitted that petitioners filed Crl.M.P.No.1643 of 2023 for recall of P.W.1 and P.W.2 for further cross-examination. When these witnesses were cross-examined, petitioners sought further time for further cross-examination, but that was denied by the Court. Now, the petitioners are in possession of some vital documents and P.W.1 and P.W.2 have to be confronted with these documents. Without considering the genuine claim of the petitioners, the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, dismissed the petition. Challenging the order dated 22.05.2023 in Crl.M.P.No.1643 of 2023 in C.C.No.75 of 2019, this petition is filed.



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3.The learned Government Advocate (Criminal side) submitted that P.W.1 and P.W.2 had been extensively cross-examined and there was a direction issued by this Court in Crime No.2122 of 2019 for expeditious disposal of the case within a period of six months from 23.08.2022. In such circumstances, the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, has rightly dismissed the petition.

4.Considered the rival submissions and perused the records.

5.It is seen from the order passed by the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, that P.W.1 was examined on 27.02.2023 and P.W.2 was examined on 06.03.2023. Both the witnesses were elaborately cross examined by the petitioners. There is a direction, as aforesaid for disposal of case within a period of six months from 23.08.2022. The petition for recall of witness was not filed immediately, but after two months of the examination of P.W.2. It is also stated that there is no details given as to the available documents which are sought to be confronted with P.W.1 and P.W.2.



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6.From the reasons given by the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, this Court finds that P.W.1 and P.W.2 were extensively cross-examined, the recall petition was not filed immediately, there is a direction for disposal of case on or before six months from the date of 23.08.2022 and that no details are given with regard to vital documents. Thus, this court is of the view that the petition for recall was rightly dismissed and there is no reason to interfere with the order of the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, dated 22.05.2023 in Crl.M.P.No.1643 of 2023 in C.C.No.75 of 2019. Accordingly, order dated 22.05.2023 in Crl.M.P.No.1643 of 2023 in C.C.No.75 of 2019 is confirmed.

7.In fine, this Criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

07.06.2023

Internet :Yes
Index :Yes/No
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To:

- 1.The Sub-Inspector of Police,
Kalpakkam Police Station,
Chengalpattu District.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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