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CrI.O.P.No.12761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.12761 of 2023 and
CrI.M.P.No.7733 of 2023

C.Ashok Kumar

...Petitioner

Vs.

Ravi

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the order passed by the Fast Track Court at Magistrate Level Alandur in CrI.M.P.No.1894 of 2023 in C.C.No.633 of 2016 dated 03.05.2023 by dismissing the petition filed under Section 311 Cr.P.C. consequently direct the Court to re-open the complainant side evidence to recall P.W.1 for further cross examination.

For Petitioner : Mr.R.Sreedhar
For Respondent : No appearance.

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the Fast Track Court at Magistrate Level Alandur in CrI.M.P.No.1894 of 2023 in C.C.No.633 of 2016 dated 03.05.2023 by



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dismissing the petition filed under Section 311 Cr.P.C. consequently direct the Court to re-open the complainant side evidence to recall P.W.1 for further cross examination.

2.The learned counsel for the petitioner submitted that petitioner filed petition for recall of P.W.1 for the purpose of further cross-examination in Crl.M.P.No.1894 of 2023 and that petition was dismissed. However, after examination of P.W.1, petitioner came to know about certain details are required to be confronted with P.W.1. However, this request was not considered and therefore this petition is filed challenging the dismissal order passed in Crl.M.P.No.1894 of 2023.

3.Considered the submission of learned counsel for the petitioner and perused the records.

4.The order of learned Judicial Magistrate, Fast Track Court at Magistrate Level, Alandur, reads that petitioner was given sufficient opportunities to cross-examine P.W.1 on 08.12.2018, 07.01.2019,



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11.02.2019, 07.03.2019, 18.03.2019, 15.04.2019, 08.05.2019, 12.06.2019.

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It was observed that P.W.1 was partly cross-examined on 08.05.2019.

Thereafter, petitioner filed petition under Section 311 Cr.P.C. for recalling P.W.1 and that was allowed. Then P.W.1 was cross-examined in full on 16.11.2021. When the matter is pending for completion of defence evidence, petitioner again filed recall of P.W.1. From the details given in the order, it is seen that though the case was filed in the year 2016 and we are now in 2023, the case is not disposed so far. The reason, obviously, is the delaying techniques adopted by the petitioner. Despite giving several opportunities for cross-examination of P.W.1, as aforementioned, P.W.1 was not effectively cross-examined. Only after filing 311 Cr.P.C. petition, P.W.1 was cross-examined in full on 16.11.2021. Again in 2023, petition is filed for recall of P.W.1 which is nothing but an effort to further delay the disposal of the case. This Court finds no merits in the request for recall of P.W.1 and therefore, order of dismissal passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Alandur, in Crl.M.P.No.1894 of 2023 in C.C.No.633 of 2016 dated 03.05.2023 is confirmed.



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5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non speaking order
ep

To

The Fast Track Court at Magistrate Level Alandur.



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G.CHANDRASEKHARAN, J.

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