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Crl.O.P.No.12804 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12804 of 2023 and
Crl.M.P.No.7803 of 2023

Mohamed Raouf

...Petitioner

Vs.

State Rep by its,
The Inspector of Police,
F-4 Thousand Lights Police Station,
Chennai – 600 006
(Cr.No.22 of 2019)

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the order passed in Crl.M.P.No.26058 of 2021, order dated 21.07.2022 in C.C.No.1892 of 2020 by the learned XIV Metropolitan Magistrate Court, Egmore, Chennai and direct the trial Court to issue summons for P.W.1-Kavi Ragavan for cross examination.

For Petitioner : Mr.M.Hussaini Basha

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

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.26058 of 2021, order dated 21.07.2022 in



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C.C.No.1892 of 2020 by the learned XIV Metropolitan Magistrate Court, Egmore, Chennai and direct the trial Court to issue summons for P.W.1- Kavi Ragavan for cross examination.

2.The learned counsel for the petitioner submitted that petitioner filed Crl.M.P.No.26058 of 2021 under Section 311 Cr.P.C. for recall of witnesses and that petition was dismissed by the learned XIV Metropolitan Magistrate, Egmore. Challenging the said order, this petition is filed.

3.In reply, the learned Government Advocate (Criminal side) submitted that against the order passed in Crl.M.P.No.26058 of 2021, petitioner filed Crl.R.C.No.155 of 2022 on the file of the learned V Additional Sessions Judge, City Civil Court, Chennai, and that was dismissed. Without challenging the order passed by the learned V Additional Sessions Judge, City Civil Court, Chennai, in Crl.R.C.No.155 of 2022, filing petition for setting aside the order passed in Cr.M.P.No.26058 of 2021 cannot be maintained.



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4.This Court concurs with the view of the learned Government Advocate (Criminal side) that petitioner ought to have challenged only the order passed by the learned V Additional Sessions Judge, City Civil Court, Chennai, in Crl.R.C.No.155 of 2022, instead of challenging the order passed by learned XIV Metropolitan Magistrate in Crl.M.P.No.26058 of 2021. Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non speaking order
ep



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To

- 1.The XIV Metropolitan Magistrate Court, Egmore, Chennai.
- 2.The V Additional Sessions Judge, City Civil Court, Chennai,
- 3.The Inspector of Police,
F-4 Thousand Lights Police Station,
Chennai – 600 006.
- 4.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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