



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

**Crl.O.P.No.15761 of 2023**

Dhandayuthapani

.. Petitioner

Vs.

State Rep. By its  
The Inspector of Police  
All Women Police Station,  
Thiruvannamalai.

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.1344 of 2023 in C.C.No.155 of 2019 on the file of the Judicial Magistrate Additional Mahila Court (FAC) Tiruvannamalai dated 04.07.2023 subsequently set aside the same.

For Petitioner : Mr.M.Subash

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor



WEB COPY



**ORDER**

This criminal Original petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of Cr.PC in Crl MP No.1344 of 2023 dated 04.07.2023.

2. The petitioner is facing trial before the Court below for an offence under Section 498A, 506(i), 354(A) and 355 of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998. The petitioner initially filed an application for recalling PW1 to PW6 for cross examination and the said application was allowed by the Court below by an order dated 24.02.2020 by imposing a cost of Rs.200 to each witness. Unfortunately, the petitioner did not comply with the condition and this application came to be closed. Thereafter, the petitioner went absconding from 23.02.2021 to 03.06.2023 and with very great difficulty, the petitioner was secured by issuing a non-bailable warrant. Thereafter, the petitioner filed



one more application under Section 311 of Cr.PC to recall PW1 to 6 for cross-examination. The said application was dismissed by the Court below mainly on the ground that the petitioner is an absconder and there is absolutely no reason to entertain the application. Aggrieved by the same, the present Criminal original petition has been filed before this Court.

3. Heard Mr.M.Subash, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

4. This Court has carefully considered the submission made by the learned counsel for the petitioner and the materials available on record.

5. This Court does not find any ground to interfere with the order passed by the Court below and the Court below was perfectly right in dismissing the application. There are no merits in this



Criminal Original petition and accordingly, the same stands dismissed.

**14.07.2023**

Index :Yes/No  
Internet:Yes/No  
Speaking/Non speaking order  
rka

To

1. The Inspector of Police  
All Women Police Station,  
Thiruvannamalai.

2.The Public Prosecutor,  
High Court, Madras.



WEB COPY



5

**N. ANAND VENKATESH,J**

rka

**Crl.O.P.No.15761 of 2023**

**14.07.2023**