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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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THE HONOURABLE MR.JUSTICE **N. ANAND VENKATESH**

Crl.O.P.No.16206 of 2023
and Crl.MP.No.10267 of 2023

1.R.Parthibhan M/20

2.R.Bharthi @ Bhara M/18

3.Manikandan @ Mani M/21

4.Santhosh Kumar @ manda M/22 ... Petitioners/Petitioners/Accused

Vs.

The State rep.by
Inspector of Police
Vellore North Police Station
Vellore District.
(Cr.No.127 of 2022)

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in pursuant to the Crl.MP.No.551 of 2023 in S.C.No.64 of 2022, on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Court) Vellore, Vellore District vide order dated 08.6.2023 and set aside the same.

For Petitioners : Mr.M.Sathish Kumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

**ORDER**

This petition has been filed challenging the order passed by the Court below in CrI.MP.No.551 of 2023 filed u/s 311 of Cr.PC., for recalling PW.1, PW.3, PW.4, PW.5, PW.7, PW.10, PW.11, PW.14, PW.19 and PW.32 for further cross examination and for cross examination of PW.21, PW.26, PW.27, PW.28, PW.29, PW.30, PW.34, PW.35, PW.36, PW.37 and PW.39, which was dismissed by the Court below by order dated 08.06.2023 except for cross examination of PW.39.

2.The petitioners are facing trial before the Court below for alleged offences u/s 147, 342, 395, 397, 366, 368, 384, 386, 376(D), 377, 354A, 375(2)(n) IPC r/w 149 IPC. The case was at the stage of questioning u/s 313 Cr.PC. At this stage, the petitioners filed the application u/s 311 Cr.PC., for recalling certain witnesses for further cross examination and for cross examination of certain witnesses, who were not cross examined after they were examined in chief. The Court below on considering the entire case records, came to a conclusion that there was absolutely no justification for entertaining the application and dismissed the same except with respect to PW.39, who is the Investigating Officer.

3.Heard Mr.M.Sathish Kumar, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents.

4.This Court has carefully gone through the order passed by the Court



below. The Court below has assigned sufficient reasons as to why the application filed by the petitioners cannot be entertained except for PW.39.

This Court does not find any illegality or infirmity in the order passed by the Court below. In fact, such an application has been filed before the Court below only with a view to drag on the proceedings.

5. In view of the above, there are no merits in this criminal original petition and accordingly, the same stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

19.07.2023

Index: Yes/No
Internet: Yes/No
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To

1. Inspector of Police
Vellore North Police Station
Vellore District.
2. Sessions Judge, Magalir Neethimandram
(Fast Track Court) Vellore,
Vellore District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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