



Criminal Original Petition No.19946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19946 of 2023

and

Crl.M.P.No.13542 of 2023

1. Naresh Kumar,
S/o.Jothi

2. Mani @ Manikandan,
S/o.Pakkiri

...Petitioners

Vs

Inspector of Police,
G-2, Periamet Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and set aside the order passed by the learned V Additional Sessions Court, Chennai (viz., to recall to cross examine the witnesses of PW-1, PW-2, PW-3, PW-4 and PW-6 in Crl.M.P.No.13962 of 2023 dated 26.07.2023 in S.C.No.43 of 2014.



Criminal Original Petition No.19946 of 2023

For Petitioners : Mr.J.P.Ravivarman

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 311 Cr.P.C. to recall PW-1, PW-2, PW-3, PW-4 and PW-6 for cross-examination.

2. Heard Mr.J.P.Ravivarman, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The petitioners are arrayed as A1 and A5 and they along with the other accused persons are facing trial before the Court below for offences under sections 143, 147, 148, 150, 341, 302, 114 r/w 149 of IPC. The case has been pending from 2014 onwards and when the case was at the stage of



Criminal Original Petition No.19946 of 2023

questioning under section 313 of Cr.P.C., the petitioners filed the present petition to recall the PW-1, PW-2, PW-3, PW-4 and PW-6 for cross-examination.

4. The Court below has considered the claim made by the petitioners and it was found that there was absolutely no genuineness in filing the petition at the stage of questioning u/s.313 Cr.P.C. The Court below also found that the very same petitioners have already filed a petition recalling certain witnesses in the year 2022 and even at that point of time, these witnesses, who are sought to be recalled through this petition, could have been added in the petition. However, for some reasons best known to the petitioners, the petitioners decided not to add the present witnesses in the list of witnesses when the earlier petition was filed in the year 2022. It is a clear case of an attempt made to drag on the proceedings and the Court below was perfectly right in dismissing the petition. The order passed by the Court below does not suffer from any illegality or infirmity and does not warrant interference of this Court.



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Criminal Original Petition No.19946 of 2023

N.ANAND VENKATESH, J

gm/gvn

Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

01.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

gm/gvn

To

1.The Inspector of Police,
G-2, Periamet Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.19946 of 2023