



WEB COPY

Crl.O.P.No.22489 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22489 of 2023

and

Crl.M.P.No.15688 of 2023

Raja @ Raghavaraja

... Petitioner

Vs.

State rep by
The Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam,
Chennai.
(Crime No.119 of 2012)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed in Crl.M.P.No.2002 of 2023 in C.C.No.4436 of 2014 dated 24.02.2023 on the file of the 23rd Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

The case of the year 2014 could not be completed even after lapse of 9 years. After examination of nine prosecution witnesses, the accused has taken out an application under Section 311 of Cr.P.C., to recall PW.1 to PW.4 and PW.6 to PW.8 and cross examining them.

2. The trial Court taking note of the fact that PW.1 was examined in chief on 11.11.2014 and thereafter, PW.2 on 18.11.2014 and PW.3 and PW.4 on 07.02.2020 and other witnesses on the subsequent day. Pointing out that when the petitioner had an opportunity to cross examine these witnesses between 18.11.2014 to 07.02.2020, the present petition is filed to recall and cross examination of witnesses only on 03.02.2023 after lapse of three years without assigning any reason.

3. This Court concurs the view expressed by the trial Court to decline the request to recall the witnesses. Hence, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

06.10.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl



CrI.O.P..No.22489 of 2025

To

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1.The 23rd Metropolitan Magistrate Court, Saidapet, Chennai.

2.The Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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