



WEB COPY



Crl.O.P.No.22671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22671 of 2023

Kulandaiammal

... Petitioner

Vs.

State Represented by,
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Krishnagiri.
Crime No.4/AC/2010/KG

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order made in M.P.No.10551 of 2023 in Spl.S.C.No.03 of 2012 passed by the learned Chief Judicial Magistrate, Krishnagiri dated 08.09.2023.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER



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This petition has been filed to set aside the order made in Crl.M.P.No.10551 of 2023 in Spl.S.C.No.03 of 2012 passed by the learned Chief Judicial Magistrate, Krishnagiri dated 08.09.2023 thereby dismissed the petition filed by petitioner under Section 311 of Cr.P.C., to recall PW2, PW5 and PW6 for further Cross Examination.

2. The case of the prosecution is that, petitioner is a sole accused in Spl.C.C.No.03 of 2012 for the offence under Sections 7 and 13(1)(d) of Prevention of Corruption Act and it has been taken cognizance by the learned Chief Judicial Magistrate, Krishnagiri. The prosecution so far examined PW 1 to PW12. At this juncture, petitioner filed petition under Section 311 of Cr.P.C., to recall PW2, 5 & 6 on the ground that, learned counsel appeared on behalf of the accused failed to ask vital questions while cross-examining PW2,5 and 6. Thereafter, the learned counsel for the petitioner died. Therefore, petitioner filed a petition under Section 311 of Cr.P.C., for recalling PW2, 5 & 6 for further cross-examination by engaging new Counsel. However, the petition was dismissed on 08.09.2023. Aggrieved by the same, present petition is filed.

3. The perusal of the order of the learned C.M.P.No.10551 of 2023 shows that, earlier Counsel on record omitted to ask vital questions during the cross-examination of PW2,5 and 6. Thereafter, counsel on record died.



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Therefore, petitioner engaged new counsel. Mere changing of Counsel alone could not be a reason to recall PW2, PW5 and PW6 for further cross-examination. The trial in this case is pending for almost 11 years. Therefore, the trial Court rightly dismissed the petition.

4.In view of the above, this Court is not inclined to set aside the order passed by the learned Chief Judicial Magistrate, Krishnagiri in C.M.P.No.10551 of 2023 dated 08.09.2023. Accordingly, this Criminal Original Petition is dismissed.

05.10.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
Sma

G.K.ILANTHIRAIYAN, J.

sma

To



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1. Chief Judicial Magistrate,
Krishnagiri.
2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Krishnagiri.
3. The Public Prosecutor,
Madras High Court.

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