



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24580 of 2023

Thanjiyappan

... Petitioner

-VS-

The State rep by,
The Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to withdraw the Sessions case in S.C. No.56 of 2022 from the file of the Additional District Judge, F.T.C, Arani to any other competent Court Ranipet District by appreciating the facts and circumstances of the case.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER

The petitioner herein is one of the accused facing trial for offence under

Sections 302 & 307 of IPC in S.C. No.56 of 2022 from the file of the



Additional District Judge, F.T.C, Arani.

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2. In the course of cross examining the Investigation Officer, earlier compromise between the deceased and the accused regarding common bridge of the land been put in question and the Investigation Officer has produced a photo copy of the compromise deed entered between the parties and the same has been admitted in evidence by the trial Court and marked as Ex.P.19.

3. The learned counsel for the petitioner contend that the objection raised for marking the secondary evidence not been probably recorded by the trial Court Judge, therefore, the trial should be transferred to some other Court.

4. This Court, on going through the testimony of P.W.12, find Ex.P.19 been marked in the course of cross examination and the trial Court has assigned reasons why it has admitted the secondary evidence. If the petitioner has any grievance regarding the nature of the document and the content of the document or the relevancy of the document, it is always open for him to put appropriate questions to the witness/Investigation Officer and dispute the document which is marked as Ex.P.19. It is admitting a secondary evidence during the course of cross examining the witness being prima facie satisfied that the primary evidence is with the accused. The reliability will be considered by the trial Court at the time of rendering judgment. Presently, case is adjourned for further cross of Investigation Officer.



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5. Therefore, this Court find no reason to transfer the trial to a Court in other District. It is suffice to give liberty to the petitioner herein, to confront P.W12, regarding Ex.P.19 in the manner known to law and elucidate answers what the petitioner/accused requires.

6. With the above observation, this Criminal Original Petition is disposed of.

30.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1.The Additional District Judge, F.T.C,
Arani.

2.The Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.

3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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