



Crl.O.P.(MD) No.680 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD) No.680 of 2023

and

Crl.M.P.(MD) No.619 of 2023

1. Charles,
2. Vignesh,

: Petitioners

Vs

State represented by
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
Cr. No. 82 of 2017.

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records and set aside order, dated 30.11.2022 made in Crl M.P No. 682 of 2022 in S.C No. 61 of 2019, on the file of the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam and allow the above petition.



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Crl.O.P.(MD) No.680 of 2023

For Petitioner : Mr.K.M.Karunakaran
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to set aside the order, dated 30.11.2022 made in Crl M.P No. 682 of 2022 in S.C No.61 of 2019, on the file of the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam.

2.It is evident from records that the witness PW.1 was examined on 21.10.2019 and he was cross-examined on 12.10.2022; that subsequently, the petitioner has filed a petition under Section 311 Cr.P.C. on 09.11.2022 and the same was allowed on 30.11.2022 and that when the case stood posted for examination of LW.13, the above petition came to be filed. The only reason canvassed by the petitioner is that PW.1 and the accused had entered into a compromise and the PW.1 has to be examined with some more questions with regard to the same.

3.As rightly pointed out by the learned Additional Public Prosecutor, the learned Chief Judicial Magistrate, Thanjavur, has already permitted the



Crl.O.P.(MD) No.680 of 2023

petitioner to cross-examine again and for the second time, the petitioner had filed a petition under Section 311 Cr.P.C.

4.Since the petitioner has not canvassed any valid reason or ground to recall PW.1, this Court is of the view that the impugned order dismissing the petition cannot be found fault with. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

11.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
lr

To

1.The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Crl.O.P.(MD) No.680 of 2023

K.MURALI SHANKAR, J.

lr

Crl.O.P.(MD) No.680 of 2023

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