



CRL.O.P.(MD)No.5984 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.O.P.(MD)No.5984 of 2021

and

CRL.M.P.(MD)No.3445 of 2021

1.Chinnadurai

2.Sundari

... Petitioners / Petitioners / Accused 1&2

-Vs-

The State represented by
The Inspector of Police,
Munneerpallam Police Station,
Thirunelveli District.

... Respondent / Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying this Court to set aside the order dated 15.02.2021 in Crl.M.P.No.317 of 2021 in C.C.No.52 of 2017 on the file of the Judicial Magistrate, Additional Mahila Court, Thirunelveli and direct the trial Court to recall and re-examine the witnesses mentioned in Crl.M.P.No.317 of 2021.

For Petitioners : Mr.S.Poornachandran

For Respondent : Mr.M.Muthumanikkam

Government Advocate (Crl.Side)



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ORDER

The petitioners / A1 & A2 filed this petition to set aside the order dated 15.02.2021 in Crl.M.P.No.317 of 2021 in C.C.No.52 of 2017 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli, and to direct the trial Court to recall and re-examine the witnesses mentioned in Crl.M.P.No.317 of 2021.

2.The petitioners / A1 & A2 are said to have committed the offences punishable under Sections 294-B, 448, 323, 506(ii) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in C.C.No.52 of 2017 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli. In the said case, the petitioners have not cross-examined P.W.1 to P.W.4 and P.W.7. Therefore, they filed Crl.M.P.No.317 of 2021 under Section 311 of Cr.P.C., before the trial Court to recall and re-examine P.W.1 to P.W.4 and P.W.7 in order to substantiate their case. However, the trial Court erroneously dismissed the said petition. Aggrieved over the same, the petitioners approached this Court seeking the aforesaid relief.



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3.The learned Government Advocate (Crl.Side) appearing for the respondents would submit that during the pendency of this petition, the case was ended in acquittal.

4.In view of the above, this Criminal Original Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed.

21.04.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MYR

To:

- 1.The Inspector of Police,
Munneerpallam Police Station,
Thirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN, J

MYR

Order made in
CRL.O.P.(MD)No.5984 of 2021

Dated:

21.04.2023