



Crl.RC(MD) No.348 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.RC(MD) No.348 of 2019
and Crl.M.P(MD) No.11203 of 2019

Subair Banu

... Petitioner

Vs.

The Inspector of Police
Kottar Police Station,
Nagercoil,
Kanyakumari District

..Respondent

PRAYER: This Criminal Revision case has been filed under Section 397 r/w.401 of Criminal Procedure Code, to set aside the order of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District dated 02.04.2019 made in Crl.M.P.No.2974 of 2019 in C.C. No.258 of 2014 and consequently order the certain portion of evidence of P.W. 1 to be eschewed forthwith and further to continue the cross examination of P.W.1 forthwith

For Petitioner : Mr.S.Palani Velayutham

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari



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District dated 02.04.2019 made in Crl.M.P.No.2974 of 2019 in C.C. No. 258 of 2014 and consequently order the certain portion of evidence of P.W. 1 to be eschewed forthwith and further to continue the cross examination of P.W.1 forthwith.

2. According to the petitioner the evidence of P.W.1 was stopped due to quarrel between the counsel and the Presiding Officer and it was incomplete, therefore the said evidence of the P.W.1 has to be eschewed.

3. There is no provision under Indian Evidence Act or the Code of Criminal Procedure to eschew the evidence and since already evidence of P.W. 1 was partly recorded and it has to be decided by the Presiding Officer at the time of passing judgment, whether it has any evidentiary value or not according to the Evidence Act. Now this Court cannot pass any orders with regard to the prayer of the petitioner.

4. Accordingly this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition is closed.

27.07.2023

Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police
Kottar Police Station,
Nagercoil,
Kanyakumari District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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