



Crl.O.P(MD).No.11791 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.O.P(MD).No.11791 of 2023 and
CrL.M.P(MD).No.9309 of 2023

1.S.Muthukumar
2.Ganesan
3.Vasanth
4.Valaiyapathy
5.Gopinath

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur
Crime No.03/2015

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the order passed in CrL.M.P.No.216 of 2023 in Spl.Case No.3 of 2016, dated 04.05.2023 on the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam and set aside the same.

For Petitioner : Mr.S. Sankar

For respondent : Mr. T. Senthilkumar

Additional Public Prosecutor



Crl.O.P(MD).No.11791 of 2023

ORDER

WEB COPY

The petitioners / A1 to A5 in S.C.No.3 of 2016 on the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam filed this petition challenging the order passed in Crl.M.P.No.216 of 2023 filed for recalling the witnesses PW.2 to PW.4 for further cross examination.

2. This Court perused the order passed by the learned Trial Judge, wherein it is specifically averred that PW.2 to PW.4 chief and cross examination has already obtained on 16.04.2018, 07.08.2018 and 12.09.2018 respectively. After examination of the said witnesses 52 witnesses have been examined on the side of the prosecution. Now, in order to protract the case he filed the present petition to cross examine the said witnesses.

3. To verify the said fact, this Court earlier directed the Additional Public Prosecutor to submit the deposition of PW.2 to PW.4 and he has also submitted the same before this Court today.

4. Perusal of the deposition it is seen that PW.3 was already cross examined by the petitioners and he adopted the cross examination



Crl.O.P(MD).No.11791 of 2023

of PW.4. So far PW.2 is concerned he reported that no cross examination.

The learned Trial Judge has correctly applied the principle laid down by the Hon'ble Supreme Court reported in **2015(1) MLJ (Crl) 288 (Vinod Kumr Vs. State of Punjab)** and dismissed the petition.

5. In such circumstances, this Court find no merit to entertain this petition and accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

06.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



Crl.O.P(MD).No.11791 of 2023

To

WEB COPY

- 1.The Chief Judicial Magistrate, Thanjavur at Kumbakonam
2. The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P(MD).No.11791 of 2023

K.K. RAMAKRISHNAN. J.,

trp

Order made in
Crl.O.P(MD).No.11791 of 2023 and
Crl.M.P(MD).No.9309 of 2023

Dated : 06.07.2023