



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction



Monday, the Nineteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CRL MP(MD) . No.7669 of 2019

IN

CRL.OP(MD)NO.2595 of 2019

I.Sankaralingam ... Petitioner/2nd Respondent

Vs

1 Vellammal

...Respondent No.2/petitioner

2 The Inspector of Police
South Police Station,
Thoothukudi,
Thoothukudi District.

... 1st Respondent/1st Respondent

Prayer in CRL.MP(MD)No.7669 of 2019:-

This Criminal Miscellaneous petition is filed under section 482 of Cr.P.C., to recall the order dated 20.02.2019 passed by this Honble court in Crl.OP(MD) No.2595 of 2019

Prayer in CRL.OP(MD).2595 of 2019:-

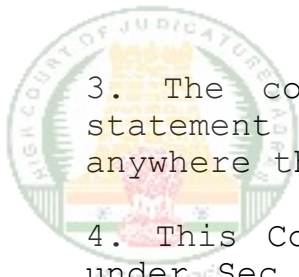
This Criminal Original Petition is filed under section 482 To call for the records in P.R.C. NO.13 of 2018 pending before the Judicial Magistrate -I, Tuticorin.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Sakthi Kumaran, Advocate for the Petitioner and of Mr.Veerandiran, Government Advocate, For R2, Mr.S.N.A.Hussainy, for the first respondent, this Court made the following order:

This petition is filed to recall the order of this Court dated 20.02.2019 passed in Crl.OP(MD) No.2595 of 2019, discharging the first respondent herein.

2. The learned counsel for the petitioner / defacto complainant submitted that the statement of Tmt.Selvi, under Section 161(3) Cr.P.C., had made a categorical statement that Velammal has instigated the commission of crime, and this Court has overlooked it without hearing the defacto-complainant and quashed the charge against Velammal.



3. The counsel for the first respondent would submit the statement of Selvi is a hearsay-statement, and it does not say anywhere that the witness has direct knowledge about it.

4. This Court carefully read the statement of Tmt.Selvi, recorded under Sec.161(3) Cr.P.C., and finds that the statement implicating Vellammal is essentially a hearsay statement and this is plainly inadmissible in evidence. And, there is no other material available on record to implicate Vellammal to the commission of the crime. Hence, this Court does not find any necessity to recall its earlier order dated 22.02.2019 passed in Crl.OP.(MD) No.2595 of 2019.

5. In the result, this miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO

1.The Judicial Magistrate -I
Tuticorin.

2.The Inspector of Police
South Police Station Thoothukudi
Thoothukudi District

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

ORDER DATED : 08/06/2023

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ORDER

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CRL MP(MD) . No.7669 of 2019
IN
CRL.OP(MD)NO.2595 of 2019

Giving direction and etc.
as stated within.

MGJ(06.07.2023) 2P 4C