



Crl.O.P.(MD) No.17474 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.17474 of 2022

and

Crl.M.P.(MD)No.11825 of 2022

Ramuthai

...Petitioners / Petitioner / Sole Accused

Vs.

The State Rep. by,
The Inspector of Police,
Karivalamvandhanallur Police Station,
Tenkasi District.
(In Crime No.127 of 2013)

...Respondent / Respondent / Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the dismissal order passed in Crl. M.P.No. 224 of 2019 in S.C. No.146 of 2018 dated 25.07.2022 on the file of the Learned Assistant Sessions Court, Sankarankovil, Tenaksi District and set aside the same and permit the Petitioner to recall the witness PW.1 and PW.2 for cross examination.



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For Petitioner :Mr.K.Sankar

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

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the dismissal order passed in Crl. M.P.No.224 of 2019 in S.C. No.146 of 2018 dated 25.07.2022 on the file of the Learned Assistant Sessions Court, Sankarankovil, Tenaksi District and set aside the same and permit the Petitioner to recall the witness PW.1 and PW.2 for cross examination.

2. Learned counsel for the petitioner submitted that the crime is of the year 2013, the case is of the year 2018. During the trial process, P.W.1 and P.W.2 were examined in chief and cross examination was also made on 08.07.2019. Later, he filed a petition to recall P.W.1 and P.W.2, for further examination stating that some of the factual points were not put to the witnesses. The trial Court has dismissed the petition stating that there is a



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delay of three years. Ofcourse, it is a wrong observation made by the trial Court. On 08.07.2019, chief examination was over. This application came to be filed in the year 2019, not after three years, but one year later.

3. Heard both sides.

4. The reason for further examination of the witnesses was not properly mentioned by the petitioner either before the trial Court or before this Court. Recall the witnesses, cannot be permitted at this stage. I find no reason to entertain this petition.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

31.10.2023

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

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G.ILANGOVAN. J.

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To

- 1.The Inspector of Police, Karivalamvandhanallur Police Station,
Tenkasi District. (In Crime No.127 of 2013)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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