



Criminal Original Petition No.5611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5611 of 2024

and

CrI.M.P.No.4093 of 2024

D.Aruna

W/o.Dhanaganesh

... Petitioner

Vs.

A.Balasubrmanian

S/o.Arumugham

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order in CrI.M.P.No.8144 of 2023 in C.C.No.307 of 2020 on the file of learned Judicial Magistrate, Fast Track Court I @ ML, Coimbatore, dated 18.01.2024, as illegal, incompetent, without jurisdiction.

For Petitioner : Mr.T.Elumalai

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dated 18.01.2024 wherein the



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application filed to re-open and recall PW-1 for further cross-examination was dismissed by the Court below.

2. Heard learned counsel for petitioner and carefully perused the materials available on record.

3. In the instant case, PW-1 was cross-examined in detail on 11.11.2022 and thereafter, the cross-examination was closed. Thereafter, the witness on the side of defence was also completed and the case was at the stage of final arguments. At that stage, the present application came to be filed for further cross-examination based on some telephonic conversation that took place between the petitioner and the wife of the complainant.

4. The Court below has dismissed this application on the ground that there was absolutely no reason as to why PW-1 has to be recalled for further cross-examination based on some telephonic conversation.



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5. It is seen that the so-called telephonic conversation had happened on 18.06.2019 much before the calendar case was filed. The case has been pending for nearly four years. At the fag end, the petitioner come up with the application to re-open and recall PW-1 for cross-examination based on some telephonic conversation that took place in the year 2019. If really this piece of evidence is essential to prove the defence of the petitioner, it is not known as to why the petitioner kept quite for the last four years. In the petition filed before the Court below, there was no explanation as to why there was delay in bringing this piece of evidence. Hence, the Court below found that the petition has been filed only to drag on the proceedings. This Court does not find any illegality or infirmity in the order passed by the Court below and the same does not warrant interference of this Court.

This Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed.

14.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH, J.

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To

The Judicial Magistrate,
Fast Track Court I @ ML,
Coimbatore.

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