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CrI.OP.No.7670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.7670 of 2023

Lenin Karthik
S/o.K.Vijaykumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Walajapet Police Station,
Ranipet District.
(Crime No.688 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 17.10.2022 in C.M.P.No.1930 of 2022 in C.C.No.27 of 2021 pending trial on the file of learned Judicial Magistrate II, Walajapet at Ranipet District.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.A.Damodharan
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed u/s.91 Cr.P.C. in CrI.M.P.No.1930 of 2022, dated 17.10.2022, wherein the petitioner had sought for certain documents to be called for.



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2. Heard Mr.D.Dayalan, learned counsel for petitioner and Mr.A.Damodharan, learned Additional Public Prosecutor appearing for respondent.

3. The petitioner is facing trial before the Court below for offences u/s.324, 294(b), 506(i) and 326 IPC. The prosecution witnesses were examined, the petitioner was questioned u/s.313(1)(b) Cr.P.C. and defence witnesses were also examined. Thereafter, the petitioner filed an application for recalling certain witnesses for cross-examination and this was also allowed and the petitioner also cross-examined those witnesses. After all that, the petitioner filed an application u/s.91 Cr.P.C. for a direction to furnish certain documents.

4. The above application has been dismissed by the Court below mainly on the ground that the petitioner is only attempting to drag on the trial.

5. This Court does not find any illegality or infirmity in the order passed by the Court below. The trial in this case is pending from the year 2021 onwards. The petitioner, in his application, has not even stated as to why this application was filed after completion of examination of witnesses and what really impelled the petitioner to file such an application. While filing an



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petitioner requires those documents. If such an application is filed at the fag end of the case, the petitioner must also assign reason as to why this application was not filed at an earlier point of time. An application filed u/s.91 Cr.P.C cannot be allowed for the mere asking. Hence, the reason that has been assigned by the Court below for dismissing the application does not require interference.

In the result, this Criminal Original Petition is dismissed. There shall be a direction to the Court below to complete the proceedings in C.C.No.27 of 2021 within a period of two (2) months from the date of receipt of a copy of this order.

19.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The Judicial Magistrate II,
Walajapet, Ranipet District.
- 2.The Inspector of Police,
Walajapet Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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