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Crl.O.P.No.8391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8391 of 2024

V.K.Senthilraja

... Petitioner

-Vs-

Sivakumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order made in C.M.P.No.236 of 2024 in STC.No.279 of 2022 dated 19.02.2024 on the file of the learned Judicial Magistrate, Fast Track Court-I, Erode.

For Petitioner : Mr.C.Ramkumar

ORDER

The petitioner herein is the accused in STC.No.279 of 2022. When the matter was posted for arguments, the petitioner has filed an application



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under Section 311 of Cr.P.C., to recall the complainant. The trial Court considering the reasons stated therein, petition to recall the witness was dismissed. Hence, the present petition.

2. The learned counsel appearing for the petitioner submitted that the accused has obtained certain documents, which will bring out the truth in the matter of deciding the financial source of complainant and therefore, he must be given an opportunity to put forth his case and he must be provided an opportunity to recall the complainant.

3. This Court on perusing the records found that the reason for recalling the witness nearly after 10 months after completion of cross examination has not been supported by any documents or any valid reasons. That part found that the petitioner has declined to cross examine the complainant and the complainant was examined in chief on 14.07.2022 and after 11 months, again cross examination was done and completed on 12.06.2023. Thereafter, when the matter was posted for arguments, the present petition to recall the witness was filed.



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4. Therefore, the trial Court, which is the custody of the Court proceedings, has gone through the records and found that this petition is filed without any merits. This Court has no difference opinion on the findings of the trial Court. Hence, this ***Criminal Original Petition is dismissed.***

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Index :Yes/No.
Internet : Yes/No.
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DR.G.JAYACHANDRAN.J,

dna

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