



WEB COPY



Crl.O.P.No.8726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8726 of 2024

Usharani

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Central Crime Branch,
Team-07, Chit and Kanthuvatti Wing,
Veppery, Chennai-07.
(Crime No.229/2004)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order made in C.M.P.No.13516 of 2024 in C.C.No.8082 of 2006 dated 27.03.2024 on the file of the learned Metropolitan Magistrate for Exclusive Trial of Crime Branch Cases, Additional Court, Egmore, Chennai.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petition was filed before the trial Court under Section 311 Cr.P.C., to recall PW.1 to PW.16, PW.21 and PW.23 to PW.27.



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2. It is a case of chit fund fraud tried for offence under Sections

406 & 420 IPC r/w 34 IPC and C.C.No.8082 of 2006 is pending for almost 18 years. Totally 27 witnesses were examined on the side of the prosecution. After questioning the accused under Section 313 Cr.P.C., regarding incriminating evidence, the case is posted for arguments. At this stage, the present petition is filed to recall almost 21 witnesses out of 27 witnesses. The trial Court consider the application and dismissed it assigning reason.

3. Being aggrieved, the present petition is filed under Section 482 Cr.P.C.,

4. The learned counsel appearing for the petitioner submits that atleast two Investigating Officers who have investigated the case, has to be permitted to cross examine.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that PW.26 and PW.27 are the two Investigating Officers who has investigated. The examination of PW.26 has completed on 27.06.2023. PW.27 was examined on 26.02.2024. This



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petition is to recall was filed on 06.03.2023 without assigning any specific reason.

6. This Court on perusing the impugned order finds that inspite of affording opportunity, the petitioner has not availed that opportunity. After completion of examination of prosecution witnesses, he has taken out this application to recall around 21 witnesses out of 27 witnesses. The very nature of the petitioner itself clearly indicates that a case which is pending for nearly 18 years sought to be delayed further by filing this petition. Hence, the trial Court has rightly dismissed the petition.

7. This Court finds no valid reason to interfere the order of trial Court. Hence, this Criminal Original Petition is dismissed.

08.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

rpl



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To

WEB COPY

1.The Metropolitan Magistrate for Exclusive Trial of Crime Branch
Cases, Additional Court, Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch,
Team-07, Chit and Kanthuvatti Wing,
Veppery, Chennai-07.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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