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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**CRL.OP.No.11973 of 2024
and
CRL.MP.No.7750 of 2024**

S.Balasundaram ... Petitioner

Chittibabu ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order in CrI.MP.No.1418 of 2024 in CC.No.1053 of 2021 dated 23.04.2024 on the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.P.Vasanth

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

ORDER

This petition is filed under Section 311 of Cr.P.C., in a printed format without detail what for the witness to be recalled.



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2. Without details for what purpose the witness has to be examined and what are the documents sought to be marked to the witness, the petition is filed. Hence, the trial court after perusing the petition filed under Section 311 of Cr.P.C., has rightly dismissed for bereft of details.

3. The said order has been challenged under the ground that petition under Section 311 of Cr.P.C., along with additional proof affidavit was filed by the petitioner which was not looked into by the court below. This court finds that the petition filed under Section 311 of Cr.P.C., is want of particulars. Additional proof affidavit is not part of the petition.

4. When the main application itself is bereft of details, the Court cannot search for details in some other documents. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

26.06.2024

Index: Yes/No
Speaking/Non-speaking order
gv



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To

1. The XXV Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

gv

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