



WEB COPY



CrI.O.P.No.14019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

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

CrI.O.P.No.14019 of 2024

Patteeswaran

... Petitioner

Vs.

State Rep through
The Inspector of Police,
Palladam Police Station,
Tiruppur

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 10.05.2024 in CrI.M.P.No.2528 of 2024 in C.C.No.1 of 2023 pending on the file of the Judicial Magistrate of Palladam.

For Petitioner : Mr.J.Kingsly Solomon

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

ORDER

A petition filed under Section 309 Cr.P.C., for adjournment been dismissed by the trial Court and being aggrieved the present petition is filed to set aside the order passed by the trial Court in CrI.M.P.No.2528 of 2024 dated 10.05.2024.

2. On perusal of the record indicates that Palladam police



CrI.O.P.No.14019 of 2024

registered a case in Crime No.1024 of 2024 for offence under Sections 279, 304(A) & 338 IPC and on completion of investigation, matter been taken cognizance by the Judicial Magistrate and trial commenced. After examination of 7 witnesses on the side of the prosecution, the accused has filed application to recall those witnesses. The trial Court allowed the petition filed under Section 311 Cr.P.C., filed by the accused to recall PW.1 to PW.7.

3. Pursuant to the order when all the 7 witnesses were present for cross examination by the petitioner herein, the petitioner has filed application under Section 309 Cr.P.C., seeking adjournment on the ground that the counsel not well. The learned Judicial Magistrate has dismissed the adjournment petition stating that the application filed under Section 311 Cr.P.C., to recall 7 witnesses was allowed on condition and costs. The petitioner was expected to cross examine the witnesses on the day of their appearance. However, the petitioner not inclined to cross examine the witnesses and sought for adjournment which is not maintainable.

4. This Court finds the reasoning given by the Magistrate is in tune with the direction of the Hon'ble Supreme Court. Opportunity for the



Crl.O.P.No.14019 of 2024

accused to examine the witnesses already been granted, but failure to
extract opportunity cannot be taken into consideration. Hence this
Criminal Original Petition is dismissed.

18.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate, Palladam.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur

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

Dr.G.JAYACHANDRAN,J.

rpl



WEB COPY



CrI.O.P.No.14019 of 2024

CrI.O.P.No.14019 of 2024

18.06.2024