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CrI.O.P.No.16224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16224 of 2024

Abipulla.

... Petitioner/Accused

/versus/

A.Yasar Arafath.

... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order in CrI.M.P.No.189 of 2024 in STC.No.970 of 2022 dated 27.02.2024 passed by the Learned Judicial Magistrate, Palladam and allow to recall P.W.1.

For Petitioner : Mr.J.Franklin

ORDER

This petition is filed by the accused being aggrieved by the dismissal of his application filed under Section 311 of Cr.P.C.



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2. The petitioner herein is an accused in a complaint initiated under Section 138 of N.I Act. When the matter was posted for arguments, the accused has taken out an application under Section 311 of Cr.P.C., for recalling the Power Agent of the complainant who was examined as P.W.1. In the application to recall, the petitioner has stated that the witness has admitted about disclosure of the transaction in his Income Tax returns and therefore, to cross examine about the same, the witness has to be recalled.

3. The trial Court, after considering the reasons stated in the application to recall the witness has held that the reasons are vague and baseless. P.W.1 was cross examined by the accused in full on 13.12.2023, after allowing the earlier application to recall this witness vide order dated 27.02.2024. While so, the 2nd application to recall been filed without assigning any valid reason and reasons stated are vague and baseless.

4. This Court, on hearing the Learned Counsel and perusal of the impugned order as well as the application filed to recall the witness finds that the application does not disclose any acceptable reason to recall the witness.

Though, it is stated that the witness has to be recalled for marking of



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documents, there is no detail about the document which is sought to be marked

and no information in the petition, who is in possession of the said document.

Therefore, for vagueness, the petition to recall bound to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.

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Index : Yes/No.

bsm

To:-

1. The Judicial Magistrate, Palladam.



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Dr.G.JAYACHANDRAN,J.

bsm

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