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Crl.O.P.No.16644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

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

Crl.O.P.No.16644 of 2024

Ramachandran

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
Crime No.99/2022

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records pertaining to the order passed in Crl.M.P.No.13 of 2024 in S.C.No.19 of 2023 on the file of the Assistant Sessions Judge and Chief Judicial Magistrate, Salem dated 06.03.2024 and subsequently set aside the same.

For Petitioner : Ms.R.Pandimeena

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

ORDER

This Criminal Original Petition is filed challenging the dismissal of petition filed under Section 311 of Cr.P.C., to recall PW.7.



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2. The learned counsel appearing for the petitioner states that PW.7, who claims to be an eye witness has spoken contrary to PW.1, the defacto complainant and other eye witnesses. Therefore, certain questions were omitted to put during cross examination has to be elucidated and therefore, recall of PW.7 is essential for the interest of justice.

3. The trial Court considering the application has dismissed it stating that there is any contradiction between the prosecution witnesses that can be drawn the attention of the Court during argument. The reason stated to recall PW.7 at the fag end of trial is not sustainable.

4. This Court, after going through the deposition of PW.7 claims to be one of the eye witnesses to the occurrence, finds that a detailed cross examination been done by the accused. There is no necessity to recall him. If the statement is contrary to evidence of PW.1, it is for the Court to appreciate which evidence is more reliable. Therefore, this Criminal Original Petition challenging the order of the trial Court is dismissed.

16.07.2024

Index : Yes/No
rpl



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To
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- 1.The Assistant Sessions Judge and Chief Judicial Magistrate, Salem.
- 2.The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

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Dr.G.JAYACHANDRAN,J.

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