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Crl.OP.No.17991 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.17991 of 2024

and

Crl.M.P. No.10684 of 2024

Karthik Dev

... Petitioner

Vs.

A.Thirumavalavan

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS to call for the records in Crl.M.P. No.32392/2024 in STC No.11714/2023 pending on the file of the learned Metropolitan Magistrate Fast Track Court II at Egmore, Chennai and set aside the order dated 25.06.2024 in Crl.M.P.No.32392/2024 passed by the learned Metropolitan Magistrate Fast Track Court II at Egmore.

For Petitioner : Ms.M.Kruthika

ORDER

The petitioner has filed an application under Section 311 of Cr.P.C was dismissed. Being aggrieved, the present petition is filed.

2. A perusal of the impugned order indicates that the petitioner being an accused has earlier filed an application to re-call P.W.1 and the



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same was allowed on 01.04.2024 on condition that the witness should be cross examined on the date of appearance. On 06.05.2024, the witness was present. After partial cross-examination, the petitioner herein took adjournment. Thereafter, the evidence of P.W.1 who was recalled and closed. Thereafter, second application is filed under Section 311 of Cr.P.C stating that some more documents has to be marked through this witness. The witness cannot be recalled again and again to mark documents one by one.

3. Having given the opportunity to cross-examine the witness, the person should have ready with all the documents and completed the cross, since the re-call petition was allowed only on that specific condition. Having failed to comply the condition, the petitioner cannot seeks the same remedy again. Hence, the order passed by the trial court is justifiable.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

30.07.2024

Vv



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To

The Metropolitan Magistrate
Fast Track Court II, Egmore,
Allikulam, Chennai – 3.



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Dr.G.JAYACHANDRAN,J.

Vv

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