



Crl.O.P.Nos.20415 and 20464 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.Nos.20415 and 20464 of 2024
and
Crl.M.P.Nos.11784 and 11803 of 2024

Crl.O.P.No.20415 of 2024:

1.Kosalai
2.Saravanan
3.Lakshmi
4.Janaki

.. Petitioners

/versus/

1.Sangupathy
2.Veeraraj

.. Respondents

Criminal Original Petition has been filed under Section 528 of BNSS to set aside the order passed by the learned Judicial Magistrate No.1, Mettur in C.M.P.No.3048 of 2024 in C.C.No.135 of 2014 dated 04.07.2024.

For Petitioner :Mr.R.Reniagnel
For Respondents :No appearance



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Crl.O.P.No.20464 of 2024:

1.Kosalai
2.Saravanan
3.Lakshmi
4.Janaki

.. Petitioners

/versus/

1.Sangupathy
2.Veeraraj

.. Respondents

Criminal Original Petition has been filed under Section 528 of BNSS to set aside the order passed by the learned Judicial Magistrate No.1, Mettur in C.M.P.No.3047 of 2024 in C.C.No.135 of 2014 dated 04.07.2024.

For Petitioner :Mr.R.Reni Agnel
For Respondents :No appearance

COMMON ORDER

These two petitions are filed by the accused in C.C.No.135 of 2014, being aggrieved by the dismissal of the petitions filed to reopen and recall DW1.

2. The learned counsel appearing for the petitioner submitted that the trial Court erred in dismissing the petitions filed under Section 311 of Cr.P.C., by stating that the petitions does not disclose which



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portion of the cross examination misleading or misdeed fact. The learned counsel also referring Ex.P4 and the portion of the recital in the said exhibit which has been extracted in the cross examination of DW1, submitted that the said portion has not been properly recorded as found in the document and therefore, it is necessary to reopen and recall DW1.

3. This Court, on perusing the portion, which pointed out by the learned counsel appearing for the petitioner, comparing with the recital found in Ex.P4, does not find any significant deviation to recall the witness or to infer that there is a vicinity of fact. Hence, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

23.09.2024

Index:yes/no

Neutral citation:yes/no

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To:

Judicial Magistrate No.1, Mettur



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DR.G.JAYACHANDRAN,J.

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