



Crl.O.P.No.23538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

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

Crl.O.P.No.23538 of 2024

and

Crl.M.P.Nos.13322 & 13323 of 2024

Mandira Bansal

... Petitioner

Vs.

Sadhana Banthiya

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to set aside order passed against the Petitioner in Crl.M.P.No. 14938 of 2023 in S.T.C.No.2524 of 2022 by its order dated 04.06.2024 by the Learned Court of Fast Track-III, Metropolitan Magistrate at Saidapet, Chennai and thereby permit the petitioner herein to cross examine PW.1 and PW.2.

For Petitioner : Mr.J.Suresh

ORDER

This Criminal Original Petition is filed by the accused challenging the order of the trial Court dismissing the application filed under Section 311 Cr.P.C., to recall PW.1.



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2. Perusal of the application filed under Section 311 Cr.P.C.,

and the order of the trial Court impugned in this petition, this Court finds that the petitioner, who is the accused, had cross examined PW.1 in detail on 08.11.2022 and thereafter, the matter has been adjourned for examining PW.2, the bank witness, that witness also been examined. Thereafter, application under 311 Cr.P.C., filed by the accused to recall PW.2. The trial Court has allowed that application. However, when the witness PW.2 was present, the accused had not turned up to cross examine the witness and therefore, the Court has closed the evidence of PW.2 and proceeded for questioning the accused under Section 313 Cr.P.C. After completion of questioning the accused under 313 Cr.P.C., the accused has changed the counsel and filed fresh application under Section 311 Cr.P.C., to recall PW.1, who was already been examined in chief and cross examination in detail on 08.11.2022. Recording these facts, the trial Court has dismissed the application stating that the reasons stated in the application to recall the witness is not acceptable.

3. The records as well as the reasoning go together which gives an irresistible conclusion that the present petition is filed without



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any merit and deserves to be dismissed. Accordingly, this Criminal

Original Petition is dismissed. Consequently, the connected Criminal

Miscellaneous Petitions are closed.

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Index : Yes/No

Neutral Citation : Yes/No

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To

The Fast Track-III, Metropolitan Magistrate, Saidapet, Chennai



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Dr.G.JAYACHANDRAN,J.

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