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CrI.OP.No.23176 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.23176 of 2024

and

CrI.MP.No.13153 of 2024

D.Loganathan

.. Petitioner

Vs.

Kothainayagi

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of B.N.S.S, to set aside the order passed in CrI.MP.No.787 of 2024 dated 21st August 2024 in STC.No.66 of 2018 on the file of Hon'ble Fast Track Court, Magistrate Level, Thiruvallur.

For Petitioner : Mr.G.S.Prabhu

ORDER

The petitioner herein is the accused in S.T.C.No.66 of 2018. After completion of examining the complainant's side, when the matter was posted for defence side evidence, the petition to file recall P.W.1 under Section 313 of Cr.P.C was filed stating that some of the documents introduced during the cross-examination of P.W.1 are forged documents



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and therefore that has to be confronted with the complainant. The said application was strongly opposed by the complainant stating that the application is filed to drag on the proceedings further. They have already dragged the matter for more than six years.

The learned trial Court on considering the petition and the reasons stated in the petition to recall as well as the counter, has passed the following order:

“ 5. Heard and perused records. The case was posted for further defence evidence therefore, this petition filed to recall PW1 for cross examination. The stated reason is that during the cross examination of the accused, a document was introduced and regarding the PW1 needs to be further examined. The petitioner also mentioned that due to negligence of his Advocate, P.W.1 was not fully cross examined. However, as contended by the respondent, PW1 was cross examined twice and thus, the petitioner has completed the cross examination. Further, the petitioner has not stated details about the document alleged to be adduced through him. If the document referred by the petitioner is the one adduced in STC.No.534/2018 before Judicial Magistrate, Fast Track Court, Poonamalle and it is between



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the accused herein and one Lingeshwari, then the petitioner can adduce the document himself. Additionally, as contended by the respondent, the counsel for the petitioner have been the same since the beginning of the case, so the claim of negligence does not hold, indicating that this petition is filed to prolong the case. Hence, the petition deserves to be dismissed”.

The reasoning given by the trial Court is in comity with the facts. Therefore, this Court finds no perversity in the order to interfere. Hence, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

23.09.2024

Vv

To

1. The Fast Track Court, Magistrate Level,
Thiruvallur .
2. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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