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Criminal Original Petition No.22220 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.22220 of 2023

Robert @ Robert Sundarajan
S/o.Thankaiya,

... Petitioner

Vs.

The State rep.by,
The Inspector of Police,
Veeranam Police Station,
Salem City.
Crime No.439/2008

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the dismissal order in so far examine the defence witness DW1 & DW2 by order dated 27.07.2023 made in CrI.MP.No.90 of 2023 in SC No.88 of 2016 on the file of the II Additional District & Sessions Judge, Salem by allowing this petition.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.A.Gopinath
Govt. Advocate (CrI.Side)

ORDER

This criminal original petition is filed challenging the order passed



Criminal Original Petition No.22220 of 2023

by the Court below in CrI.MP.No.90 of 2023 dated 27.07.2023, partly dismissing the application filed by the petitioner under Section 311 of Cr.PC to issue summons to the witnesses to be examined on the side of the defence.

2. The petitioner who is ranked as A2 is facing Trial before the Court below, for offences under Section 342, 324, 307 of IPC and Section 3 (1) of TNPPDL Act r/w Section 34 of IPC. The case was at the stage of examination of defence witnesses. At this stage, the petitioner filed an application in CrI.MP.No.90 of 2023 for examining four witnesses. The Court below on considering the grounds raised by the petitioner and after considering the evidence that is already available on record, partly allowed the application insofar as witness Nos.3 and 4 are concerned. The application was dismissed insofar as witness Nos.1 and 2 are concerned. Aggrieved by the same the present petition has been filed before this Court.

3. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (CrI.Side)



Criminal Original Petition No.22220 of 2023

for the respondent.

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4. In the considered view, the Court below has properly applied its mind and has specifically taken note of the marking of documents Exs.D1 to D6 which are all medical records. These medical records will speak for itself and it is not necessary to call a Doctor to explain the same. Therefore, the Court below thought it fit to allow the application only insofar as witness Nos.3 and 4 are concerned. The order does not suffer from any illegality and it does not require any interference of this Court.

5. In the result, this petition stands dismissed and directs the Court below to complete the proceedings in SC.No.88 of 2016 within a period of three months from the date of receipt of copy of this order.

20.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To:

- 1.The Hon'ble II Additional District & Sessions Judge, Salem.
- 2.The Inspector of Police,
Veeranam Police Station,
Salem City.
- 3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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Criminal Original Petition No.22220 of 2023

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