



Crl. O.P.No.24347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.24347 of 2024

and

Crl.MP.No.13767 of 2024

S.Charles Singh

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Perur, Coimbatore,
Coimbatore.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 03.09.2024 made in Crl.MP.No.648 of 2024 in Spl.SC.No.107 of 2024 on the file of the Court of Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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The petition in C.M.P.No.648 of 2024 in Spl.SC.No.107 of 2024 has been filed to re-call P.W.1 to recall P.W.1 to P.W.8 for conducting cross examination been partly allowed by the Mahalir Neethimandram (FTMC) Tiruppur on the ground that the reasons stated to recall P.W.1 to P.W.7 not satisfactory and dismissed. So far as P.W.8 and P.W.9, the application to re-call is allowed, subjected to the payment of Rs.2,500/- each to P.W.8 and P.W.9 at the time of cross examination.

2. The learned counsel appearing for the petitioner submits that frequent interference by the Presiding Officer while examining P.W.1 has forced the accused to abruptly stop the cross examination of P.W.1 (minor victim) and therefore, it is necessary to recall all the witnesses and cross examine.

3. A perusal of records including the impugned order and the deposition copy of P.W.1 indicates that the Court has put questions to the victim witness in order to elicit the fact. However, that will not enure any right to the accused person to re-call all the witnesses again.



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4. Earlier, the petitioner filed petition for transfer of trial from Coimbatore to Tiruppur and the same was allowed. In the transfer petition there is wishper about incomplete cross examination or denial of right to cross examination. Now, the application has filed to re-call the witnesses after examining all the PW's. If at all the petitioner had any reason to recall these witnesses that should have been done much earlier, but not at this stage and the reasons stated also not sufficient. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

03.10.2024

Vv

To

1. The Court of Sessions Judge,
Mahalir Neethimandram (FTMC),
Tiruppur.
2. The Inspector of Police,
All Women Police Station,
Perur, Coimbatore,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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