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CrI.O.P.No.24561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

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

CrI.O.P.No.24561 of 2024

and

CrI.M.P.No.13841 of 2024

Vani Sri

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime.No.299/2019)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./
528 BNSS, pleased to set aside the order passed by the Learned Judicial
Magistrate No.III, Vellore, Vellore District in CrI.M.P.No.9105/2024 in
C.C.No.69/2020 dated 13.08.2024

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.K.M.D.Muhilan

Government Advocate (CrI.Side)

ORDER

The petitioner, who is facing trial for offence under Section 279 &
304 A IPC, has taken out an application before the trial Court under
Section 311 Cr.P.C., to recall PW.8. The said petition was dismissed by
the trial Court on the ground that the charges in this case was framed on



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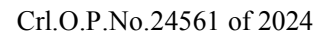
27.01.2021 and the PW.8 was examined on 06.06.2024. The petitioner / accused choose not to cross examine the witnesses in spite of affording sufficient opportunity to her. Thereafter, the case was adjourned for examining the other prosecution witnesses. In the said circumstances, the application is filed to recall PW.8, but without assigning any satisfactory reason. Since there is a direction by the Hon'ble Supreme Court that the witnesses should be examined and cross examined on the same day of their presence before the Court, the application to recall the witness dismissed.

2. This Court, perusing the application for recall of PW.8 which does not disclose any reason for not examine the witness on the day when he was present and no specific reason to recall PW.8 for cross examination. PW.8 being the Sub Inspector of Police and official who is vested with 24x7 job cannot be disturbed unnecessarily for the fault of the accused. Hence this Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

04.10.2024

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To



- 1.The Judicial Magistrate No.III, Vellore, Vellore District.
- 2.The Inspector of Police,
Virudampet Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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