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CRL.O.P.No.26907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.26907 of 2024
and Crl.M.P.No.14936 of 2024

K.Semakumar

... Petitioner

Vs.

The State represented by
Inspector of Police
V & AC Wing, Tiruppur

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. Act, 2023, to set aside the impugned order passed in Crl.M.P.No.5979 of 2024, dated 21.09.2024 in Spl.C.C.No.29 of 2014 on the file of the learned Chief Judicial Magistrate, Tiruppur.

For Petitioner : Mr.K.Nagarajan

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

ORDER

This petition is filed to reopen and recall P.W.2, P.W.7 and P.W.8 in Special C.C.No.29 of 2014, on the file of the learned Special Court Cum Chief



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Judicial Magistrate, Tiruppur. This Court understands that final arguments have been advanced and the judgment is scheduled to be delivered tomorrow (07.11.2024).

2.The learned counsel for the petitioner submits that the counsel on record for the petitioner before the trial Court failed to ask few questions these witnesses, and hence he seeks recall of the above witnesses.

3.The learned Prosecutor has filed his counter and submits that the chief examination of these witnesses have taken place sometime in 2012 and they were cross examined years later. He added that the F.I.R. was registered in 2010 and the Court itself took cognizance based on the final report of the investigating agency in 2011.

4.This case is pending obviously for the last 13 years, and this Court is not able to appreciate the strategy of the petitioner to recall witnesses for cross examination when the case is posted for delivering judgment. This Court does not find any merit in this petition. Hence, it is liable to be dismissed. If, however, due to the failure of the petitioner to raise the questions which



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he wanted to confront these witnesses has led to any adverse verdict against him then, he is free to approach the Appellate Court with similar prayer.

5.In the end, this petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

06.11.2024

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Index : Yes / No
Neutral Citation

To

1.The Chief Judicial Magistrate
Tiruppur

2.The Inspector of Police
V & AC Wing
Tiruppur

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

N.SESHASAYEE, J.

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