



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP No.25461 of 2023

N.Veerassamy

..Petitioner/ Accused

.Vs.

Arvudai Nambi

..Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the Judicial Magistrate Court No.I, Chengalpattu in CrI.MP.No.7911 of 2023 in C.C.No.289 of 2022 dated 12.10.2023 directing the lower court to recall PW.1 for the further cross examination.

For Petitioners : Mr.D.N.Dhurgasha

For Respondents : Mrs.Dipthi Munoth
N.Armita

ORDER

This petition has been filed challenging the order passed by the Court below in CrI.MP.No.7911 of 2023 in C.C.No.289 of 2022, dated 12.10.2023 dismissing the application filed under Section 311 Cr.PC., to reopen and recall PW.1 for further cross examination.



2.Heard Mr.D.N.Dhurgasha, learned counsel for the petitioner and Mrs.Dipthi Munoth, learned counsel for the respondent.

3.It is seen from the order passed by the Court below and the materials available on record that PW.1 was already cross examined by the petitioner on 14.7.2023. Thereafter, the matter was at the stage of final arguments. By virtue of change of counsel, the present application came to be filed for recall of PW1 for further cross examination.

4.This Court has repeatedly held that a 311 Cr.PC application cannot be filed just because there is a change in counsel. This Court does not find any irregularity or infirmity in the order passed by the Court below and it does not require the interference of this Court.

5.In the result, this criminal original petition is dismissed and there shall be a direction to the Court below to complete the proceedings in C.C.No.289 of 2022, within a period of two months from the date of receipt of copy of the order.

31.01.2024

1/2Speaking Order/Non-Speaking Order
Index: Yes/No
Internet: Yes/No
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To

Judicial Magistrate Court No.I,
Chengalpattu.



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N.ANAND VENKATESH.J.,

kp

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