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CrI.OP.No.27043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.27043 of 2024

Dinesh Kumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District,
Crime No.213/2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C./ 528 of Bharatiya Nagarik Suraksha Sanhita 2023, praying to set aside the order passed in CMP No.2625/2024 in C.C.No.26/2021 before the Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and permit the petitioner to cross examine the P.W.1., P.W.3 and P.W.5.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petition is filed to recall P.Ws.1, 3 and 5 and the same has been dismissed by the Special Court for Essential Commodities Act Cases, for NDPS offences on the ground that there is no genuineness or satisfactory reason to recall the witnesses who were cross examined earlier.

2. The learned counsel appearing for the petitioner states that the prosecution has taken out an application to summon the Sub Inspector of Police as an additional witness and that application is pending. Since certain questions were not put to PWs.1, 3, and 5 regarding the compliance of the mandatory provisions contemplated under Section 42 of NDPS Act, recall of these witnesses is essential.

3. This Court, on perusing the records, finds that the application was filed to recall the prosecution witness, who were cross-examined long back. It is not sustainable, since no specific satisfactory reason is stated in the application for recall. If there is any change of circumstances in future which warrants recall of any of the witness, appropriate



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application may be filed by the petitioner stating reasons, and if any such application is filed narrating change of circumstances and the necessity to recall the witnesses, such application shall be considered afresh without being prejudiced by the dismissal of the present petition.

4. Hence, the Criminal Original Petition is dismissed.

29.10.2024

Index: Yes/No
Internet: Yes/No
jv

To

1. The Inspector of Police,
Avinashi Police Station,
Tiruppur District,
2. The Public Prosecutor,
Madras High Court,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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