



CrI.O.P.(MD)No.157 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.157 of 2024

and

CrI.M.P.(MD)No.111 of 2024

Palanivel

... Petitioner

Vs.

The Inspector of Police,
represented by the State,
District Crime Branch,
Theni,
Theni District
(In Crime No.11 of 2008)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records of the order in Cr.M.P.No.8503 of 2023 in C.C.No.17 of 2012 on the file of the Judicial Magistrate Court, Theni dated 10.11.2023 and set aside the same.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition had been filed to quash the order dated 10.11.2023 in Cr.M.P.No.8503 of 2023 in C.C.No.17 of 2012 on the file of the Judicial Magistrate Court, Theni.

2. The submission of the learned Counsel for the Petitioner cannot be entertained in the light of reported ruling of Hon'ble Supreme Court in the case of *Vinod Kumar vs State of Punjab in 2015(1) MLJ (crl) 288 (SC)*, wherein, the Hon'ble Supreme Court had deprecated the practice of the learned Counsel appearing for the accused not cross examining the witnesses when the witnesses are deposing before the trial Court and letting the Accused to file a petition at the whims and fancies of the accused, thereby, delaying the trial and also causing harassment to the witnesses, who had already deposed evidence.

3. In the judgment of *Vinod Kumar vs State of Punjab in 2015(1) MLJ (crl) 288 (SC)*, the Hon'ble Supreme Court not only deprecated the practise, but also came down heavily on the trial Court by issuing direction to the High Courts in India to circulate the judgment to all the trial judges in



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the State in the respective High Courts with a warning to trial Judges that any deviation will be viewed seriously .

4. Since the judgment of the Hon'ble Supreme Court regarding re-call of witnesses had been circulated to the trial Judges as well as to the newly recruited Judicial Officers respective through the Judicial Academy, the trial judges are cautious in dealing with petitions under Section 311 Cr.P.C.

5. Still the practice continues, now it has come to the stage where the trial Judges face reprercussions for accommodating the trial Lawyers and the respective Bar Associations, in violation of the judgment of the Hon'ble Supreme Court which is the law laid down for the entire Country.

6. In the light of the above developments, the order of the learned Judicial Magistrate dismissing CrI.M.P.No.8503 of 2023 cannot be interfered by this Court, exercising the inherent powers under Section 482 Cr.P.C thereby, diluting the judgment of the Hon'ble Supreme Court in the case of *Vinod Kumar vs State of Punjab in 2015(1) MLJ (crl) 288 (SC)*.

7. In view of the above, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed. Consequently,



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connected miscellaneous petition is closed.

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Index : Yes/No

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Internet: Yes/No

jbr

To

1. The Inspector of Police,
represented by the State,
District Crime Branch,
Theni,
Theni District
(In Crime No.11 of 2008)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

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