



Crl.O.P.(MD)No.755 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.755 of 2023

and

Crl.M.P.(MD) No.674 of 2023

1.Arockiya Wilson
2.Selvaraj

... Petitioners

Vs.

The Inspector of Police,
All Women Police Station, Manapparai,
Trichy District.
Crime No.9 of 2018

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Crl.MP.No.3489 of 3490 of 2022 in C.C.No.16 of 2019 dated 23.11.2022 on the file of the Learned Judicial Magistrate, Manapparai, Trichy District and set aside the same.

For Petitioner : Mr.R.Anandharaj

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



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ORDER

This petition has been filed challenging the proceedings of the learned Judicial Magistrate, Manapparai, in Crl.MP.No.3489 of 3490 of 2022 in C.C.No.16 of 2019, allowing the application filed under Sections 91 and 242 of Cr.P.C. filed by the respondent police.

2.Heard Mr.R.Anandharaj, learned counsel for the petitioner and Mr.B.Thanga Aravindh, learned Government Advocate appearing on behalf of the respondent.

3.The petitioners are facing trial before the Court below for offences under Sections 498A, 294(b), 323, 506(i) and 494 of IPC and Section 4 of the Dowry Prohibition Act, 1961. The prosecution had examined the witnesses and ultimately, the investigation officer was also examined as P.W.5 on 15.10.2022. Thereafter, applications were filed by the prosecution for marking certain documents through certain witnesses, under Sections 91 and 242 of Cr.P.C. The same was allowed by the Court



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below by an order dated 23.11.2022 and the same has been put to challenge in the present petition.

4.In the considered view of this Court, the power exercised by the Court below under Sections 91 and 294 Cr.P.C. read with Section 311 of Cr.P.C. is very wide. The Court below had assigned sufficient reasons as to why these applications must be allowed since ultimately, the Court will be able to appreciate the facts in a proper manner and find out the real truth. This Court does not find any illegality in the order passed by the Court below warranting the exercise of jurisdiction under Section 482 of Cr.P.C. In any case, the petitioners will always have the right of cross-examination and it is not as if the right of the petitioners has been foreclosed. Therefore, the petitioners will not be put to any prejudice even if those documents are brought in by summoning those witnesses. Thus, the right of the petitioners is sufficiently safeguarded by affording opportunity to cross-examine the witnesses.

5.In the result, this Criminal Original Petition is dismissed and there shall be a direction to the learned Judicial Magistrate,



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Manapparai, to complete the proceedings in C.C.No.16 of 2019 within a period of four months from the date of receipt of a copy of this order.

Consequently, connected miscellaneous petition is closed.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1.The Inspector of Police,
All Women Police Station, Manapparai,
Trichy District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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