



Crl.O.P.(MD)No.4313 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.4313 of 2024

and

Crl.M.P.(MD)No.3422 of 2024

Nagoor Meeran @ Karuvali

... Petitioner/A3

Vs.

The Inspector of Police,
Manoor Police Station,
Tirunelveli District.
Crime No.193 of 2010

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No. 17475 of 2023 in S.C.No.310 of 2017, dated 09.02.2024 on the file of the learned I Additional District Court, Tirunelveli and consequentially direct to issue summons to the petition named witnesses and documents to examine them and treat his petition dated 08.12.2023 as that of a petition filed under Section 311 of Cr.P.C. to examine the defence witnesses to the just decision of the case.

For Petitioner : Mr.G.Anto Prince

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl. Side)



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ORDER

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The petitioner is an accused No.3 in S.C.No.310 of 2017 for the offences under Sections 307 and 302 of IPC, which is pending on the file of the I Additional District Court, Tirunelveli.

2.The petitioner has filed an application in Cr.M.P.No.17475 of 2023 in S.C.No.310 of 2017 under Section 91 of Cr.P.C., and Section 233(3) of Cr.P.C. to issue summons to a Doctor, namely, Natarajan, who admitted the deceased at Tirunelveli Medical College Hospital for the purpose of the entries in the Accident Register and for examining the present postal woman to substantiate that P.W.2, namely, Murugan, was not residing in the Kurichikulam Village. The said application was rejected by the trial Court on the ground that the Accident Register was destroyed as per the Government Hospital Rules within seven years and therefore, the said register was not available. With regard to the other witness, the trial Court has also rejected his request on the ground that the occurrence took place on 22.07.2010 and at that relevant point of time, P.W.2 was residing at Kurichikulam Village. However, by sending a Tapal now, the petitioner is attempting to establish that P.W.2 is not residing in that village.



3.This Court considered the submissions of the learned counsel for the petitioner.

4.The petitioner intended to examine the Doctor-Natarajan from Tirunelveli Medical College Hospital, who admitted the deceased in the hospital in the year 2010. The occurrence is said to have taken place in 2010. A final report was filed only in the year 2017 and it was committed to the Sessions Court in the year 2017. The petitioner has furnished a copy under Section 207 of Cr.P.C. at the time of committal. The petitioner has not taken any steps to ensure that the copy of the Accident Register is available in the final report. The petitioner has filed this application only after the trial had been concluded. Now the trial Court has dismissed the application on the ground that the Accident Register copy has already been destroyed. Therefore, there is no purpose in summoning the Doctor, when the Accident Register copy itself is not available to disclose about this admission of the deceased in the year 2010. As rightly stated by the trial Court, the occurrence took place on 22.07.2010. The petitioner wants to examine the postal woman with the Tapal, which she has sent in the year 2023 as if P.W.2 was not residing in that place in the year 2010. Hence, this Court is not inclined to entertain this petition.



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5. Accordingly, this Criminal Original Petition is dismissed with a direction to the learned I Additional District Judge, Tirunelveli, to conclude the trial, as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

03.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The I Additional District Court, Tirunelveli.
2. The Inspector of Police,
Manoor Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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