



Crl.O.P.(MD)No.21685 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.21685 of 2023
and Crl.M.P.(MD) No.16946 of 2023

1. A.Paulraj
2. P.Sudha

... Petitioners

Vs.

The Sub Inspector of Police,
Bodi Town Police Station,
Theni District.
Crime No.592/2013

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside order passed by the Judicial Magistrate Court, Bodinayakanur in Crl MP No. 1757 of 2020 in CC No.39 of 2014 dated 04.02.2021 and allow this Criminal Original Petition.

For Petitioner : Mr.V.Manikandan

For Respondent : Mr.A.Albert James
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate, Bodinayakanur in Crl.M.P.No.1757 of 2020, dated 04.02.2021, dismissing the application filed by the petitioner



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under Section 311 of Cr.P.C. to recall P.W.1 to P.W.5 and P.W.7.

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2.Heard the learned counsel for the petitioners and the learned Government Advocate appearing on behalf of the respondent.

3.The petitioners are facing trial before the Court below for offences under Sections 294(b), 323, 324 and 506(i) of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The prosecution examined P.W.1 to P.W.5 and P.W.7 and all these witnesses were cross examined on the side of the petitioners. The cross examination was over in the year 2019 itself. While so, an application came to be filed to recall all these witnesses for further cross examination. The same has been dismissed by the Court below.

4.The learned Government Advocate, on instructions, submitted that the case is now posted for final arguments on 03.12.2024.

5.In the considered the view of this Court, the only reason that has been assigned by the petitioners to recall P.W.1 to P.W.5 and



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P.W.7 is that some important questions were not asked to these witnesses and that there was a change of counsel. This Court has repeatedly held that change of counsel by itself cannot be a ground to recall witnesses. This is more so since, the C.C.No.39 of 2014 is of the year 2014 and these witnesses have already been cross examined and at the fag end of the case, an attempt is made to recall all the witnesses for further cross examination. This is only a ruse to prolong the proceedings.

6.This Court does not find any illegality in the order passed by the Court below warranting the interference of this Court.

7.In the result, this Criminal Original Petition is dismissed and there shall be a direction to the learned Judicial Magistrate, Bodinayakanur, to complete the proceedings in C.C.No.39 of 2014 within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

29.11.2024

NCC : Yes / No
Index : Yes / No

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Internet : Yes / No
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To

- 1.Judicial Magistrate, Bodinayakanur.
- 2.The Sub Inspector of Police,
Bodi Town Police Station,
Theni District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

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Dated: 29.11.2024