



Crl.O.P.(MD) No.22593 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.22593 of 2024

Noorjahan

... Petitioner

Vs.

Sivasubramanian

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to call for the records and set-aside the order passed by the Judicial Magistrate No.II, Fast Track Court (Magistrate Level) at Madurai in Crl.M.P.No.5635 of 2024 in S.T.C.No.132 of 2020 dated 17.10.2024.

For Petitioner : M/s.Banumathy

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records and set aside the order dated 17.10.2024, passed by the Judicial



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Magistrate No. II, Fast Track Court (Magistrate Level) at Madurai, in

Crl.M.P.No.5635 of 2024 in S.T.C.No.132 of 2020.

2. The petitioner filed Crl.M.P.No.5635 of 2024 in S.T.C.No.132 of 2020 under Section 311 of Cr.P.C. The trial court, by the impugned order dated 17.10.2024, dismissed the same, against which the present petition has been filed.

3. The petitioner states that he needs to further cross-examine P.W. 1, the respondent herein, as he missed to put a question regarding a transaction of Rs. 5,00,000/- involving one Mr.Periasamy. The petitioner seeks to re-call P.W.1 for this limited purpose. However, the trial court has dismissed the application.

4. On perusal of the impugned order, it is seen that the respondent, P.W.1, was examined-in-chief on 13.09.2023 and cross-examined in detail on 07.03.2024. Thereafter, the petition has been filed without any justifiable reason. The petitioner now seeks to refer to a transaction involving one Mr. Periasamy, but the petitioner can very well examine himself as a witness under Section 315 of Cr.P.C. and give explanation, or



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do so during the proceedings under Section 313 of the Cr.P.C. Therefore, the re-calling of P.W.1 is not necessary. Furthermore, in view of the fact that this case is at its final stage, the re-calling of P.W.1 is nothing but a drag on the proceedings. For these reasons, this Court is not inclined to interfere with the impugned order.

5. With the above observations, this Criminal Original Petition is dismissed.

20.12.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

JEN

To:

The Judicial Magistrate No.II,
Fast Track Court (Magistrate Level),
Madurai.



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M.NIRMAL KUMAR, J.

JEN

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