



Crl.O.P.No.5383 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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E.Chandrasekar

... Petitioner

Vs

State Rep By
Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
Crime No.1079 of 2015

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 27.11.2024 made in Crl.M.P.No.65588 of 2024, on the file of the Xth Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.A.Punithavanan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the order dated 27.11.2024 made in Crl.M.P.No.65588 of 2024, on the file of the Xth Metropolitan Magistrate, Egmore, Chennai, thereby dismissed the application filed under Section 94 of Cr.P.C.

2. Heard the learned counsel for the petitioners and the learned



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Government Advocate (Crl.side) for the respondent and perused the materials placed on record.

3. The petitioner is an accused in CC.No.1547 of 2017 and facing charges under Sections 294(b) and 323 of IPC. So far the prosecution had examined all the witnesses. When the matter is posted for arguments, the petitioner filed an application under Section 311 of Cr.P.C to recall PW.1 for further cross examination and the same was dismissed. Admittedly, the petitioner had already examined PW.1. In order to fill up the *lacuna*, the petitioner filed an application under Section 311 of Cr.P.C and it was not permitted. Whereas, the respondent filed an application under Section 94 of Cr.P.C for production of attendance register of the defacto complainant to decide the matter. However, the same was dismissed. Aggrieved by the same, this petition has been filed by the accused.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 27.11.2024 made in Crl.M.P.No.65588 of 2024, by the Xth Metropolitan Magistrate, Egmore, Chennai.

5. Accordingly, this Criminal Original Petition is dismissed.



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WEB COPY

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Xth Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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