



Crl.O.P.No.5339 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

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

Crl.O.P.No.5339 of 2025
and Crl.M.P.No.3464 of 2025

P.Veerapathran

... Petitioner

Vs

The State Rep By,
The Inspector of Police,
Anupparapalayam Police Station,
Tiruppur.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 08.08.2024 made in C.M.P.No.128 of 2024 in SC No.168 of 2015 on the file of the Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur insofar as rejecting the petitioner's claim to recall and further cross-examine PW.5, 6 and 8 therein.

For Petitioner : Mr.M.R.Thangavel
for Mr.V.Balamurugan

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

ORDER

This petition has been filed to set aside the order dated 08.08.2024 made in C.M.P.No.128 of 2024 in SC No.168 of 2015 on the file of the Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur, thereby dismissing the



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petition filed under Section 311 of Cr.P.C to recall PWs.5, 6 and 8.

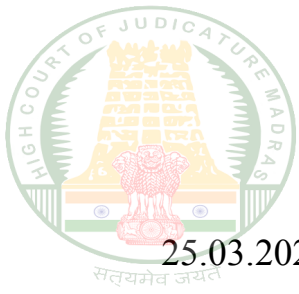
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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials placed on record.

3. The petitioner is an accused and he is facing trial in SC.No.168 of 2018 for the offences punishable under Sections 302 and 380 of IPC. Pending trial, the petitioner filed an application to recall PWs.5, 6 and 8 for further cross examination and the same was dismissed by the Trial Court. Hence, this Criminal Original Petition.

4. The learned counsel for the petitioner would submit that it is the case of circumstantial evidence and as such, the vital question has not been put forth before PWs.5, 6 and 8. Therefore, he seeks one more opportunity to put forth his defence.

5. A perusal of records revealed that the Sessions Case is of the year 2015. The prosecution had examined PW.5 on 04.02.2020, PW.6 on



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25.03.2021. Both were elaborately cross examined by the petitioner. Insofar as PW.8 is concerned, he was examined on 25.03.2021 and he was also cross examined by the petitioner. Thereafter, the petitioner filed a petition under Section 311 of Cr.P.C to recall PWs.5, 6 and 8 for further cross examination and the same was dismissed.

6. As stated supra, already PWs.5, 6 and 8 were fully cross examined and the matter is posted for arguments. At this stage, the petitioner filed a petition to recall the witnesses and it is only to drag the proceedings. That apart, it is a murder for gain.

7. In view of the above, this Court finds no infirmity or illegality in the order dated 08.08.2024 in C.M.P.No.128 of 2024 in SC No.168 of 2015 passed by the Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur. The Trial Court is directed to complete the Trial in SC No.168 of 2015, within a period of eight weeks from the date of receipt of a copy of this order.



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8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous petition is closed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Sessions Judge, Mahalir Neethimandram, (FTMC),
Tiruppur.
2. The Inspector of Police,
Anupparapalayam Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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