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Crl.O.P.No.5529 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5529 of 2025
and Crl.M.P.No.3580 of 2025

Siva

... Petitioner

Vs

The State represented by its,
The Inspector of Police,
Sooramangalam Police Station,
Salem.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order dated 24.12.2024 passed
in Crl.M.P.No.2152 of 2024 in SC No.119 of 2017 on the file of Hon'ble
Mahila Court, Salem.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the order dated 24.12.2024
passed in Crl.M.P.No.2152 of 2024 in SC No.119 of 2017 on the file of the
Mahila Court, Salem, thereby dismissing the petition file under Section 311 of
Cr.P.C, to recall PWs.1 to 11.

2. Heard both sides and perused the materials available on record.



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3. The petitioner is an accused and facing charges for the offences under Sections 294(b), 341, 302 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in SC.No.119 of 2017, on the file of the Mahila Court, Salem.

4. A perusal of records revealed that PWs.1 to 8 were examined till the year 2020. PWs.9 to 11 were examined in the year 2024. However, the petitioner failed to cross examine any of the prosecution witnesses and dragged the trial for the past eight years. After a period of eight years, the petitioner had chosen to file an application under Section 311 of Cr.P.C to recall all the prosecution witnesses. Now, the prosecution is yet to examine the Doctor and the Investigation Officer.

5. In view of the above, the Trial Court had rightly dismissed the petition and this Court finds no infirmity or illegality in the order dated 24.12.2024 in Crl.M.P.No.2152 of 2024 in SC No.119 of 2017 passed by the Mahila Court, Salem.



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6. Accordingly, this Criminal Original petition is dismissed.

Consequently, connected Miscellaneous petition is closed.

27.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
mn

To

1. The Mahila Court, Salem.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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