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Crl.O.P.No.8549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM:

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

Crl.O.P.No. 8549 of 2025

Viji @ Vijayakumar

..... Petitioner

Vs

The State by
The Inspector of Police,
Hasthampatti Police Station,
Salem City.

..... Respondent

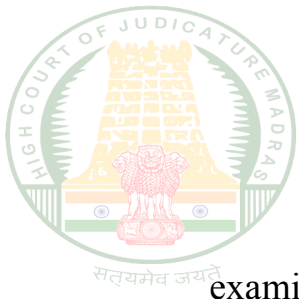
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and to set-aside the order dated 24.01.2025 in Crl.M.P.No.419 of 2024 in S.C.No.58 of 2013 on the file of the II Additional District Judge, Salem.

For Petitioner : Mr.N.Anandan

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

ORDER

This Criminal Original Petition has been filed challenging the order dated 24.01.2025 in Crl.M.P.No.419 of 2024 in S.C.No.58 of 2013 on the file of the II Additional District Judge, Salem, thereby dismissing the petition filed to re-call P.W.3 for further cross



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examination.
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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen that the petitioner is arrayed as A12 in S.C.No.58 of 2013 and is facing trial for the offences under Sections 148, 302 r/w 149, 324 of IPC. So far, the prosecution had examined 18 witnesses out of 28 witnesses and the case is now posted for the evidence of the Investigating Officer. At this juncture, the petitioner has filed a petition seeking to recall P.W.3 for further cross examination. It is pertinent to note that P.W.3 has already been cross examined and once again the petitioner filed an application to recall P.W.3 for further cross examination. The trial pertains to the year 2013 and the matter is now posted for Investigating Officer's evidence. Therefore, this petition has been filed only to drag the proceedings and nothing else.

4. In view of the above, the Trial Court has rightly dismissed the petition filed under Section 311 of Cr.P.C and this Court



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finds no infirmity or illegality in the order dated 24.01.2025 in
Crl.M.P.No.419 of 2024 in S.C.No.58 of 2013 on the file of the
II Additional District Judge, Salem.

5. Accordingly, this Criminal Original Petition stands
dismissed.

24.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp
To

1. The II Additional District Judge,
Salem.

2.The Inspector of Police,
Hasthampatti Police Station,
Salem City.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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