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CrI.O.P.No.8472 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

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

CrI.O.P.No.8472 of 2025

A.Saravanan

... Petitioner

Vs.

State rep. by
Deputy Commissioner of Police,
CBCID, Metro Unit II, Chennai.

... Respondent

PRAYER: The Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 11.03.2025 in CrI.MP.No.1867 of 2025 made in S.C.No.4 of 2020 by the learned Sessions Judge, Mahalir Neethimandram at Allikulam, Chennai in respect to the recall of approver witness P.W.1 namely Mr.J.Suresh and direct the trial court to recall the approver witness P.W.1 namely Mr.J.Suresh for further cross examination by the petitioner/accused A1.

For Petitioner : Ms.V.Kayavizhi

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



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ORDER

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CrI.MP.No.1867 of 2025 has been filed by the petitioner/A1 before the Court of Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai under Section 311 of Cr.P.C seeking to permit the petitioner to reopen and recall P.W.1 to cross examine. The learned Sessions Judge, vide order dated 11.03.2025 dismissed the said petition. Aggrieved against the same, the present petition has been filed.

2. The petitioner has been arrayed as A1, facing charges under Section 302 of IPC. This case is of the year 2020. The prosecution has completed the examination of all the witnesses and the prosecution side witnesses was closed. At that juncture, the petitioner has filed an application to re-call P.W.1 for further cross-examination.

3. Admittedly, the petitioner had already cross-examined P.W.1 long back. Once again, the petitioner has filed a petition for further cross examination of P.W.1, is nothing, but it is only to drag on the proceedings.



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4. Taking into facts and circumstances of the case and the submissions made by both counsel, this Court is of the view that the trial Court has rightly dismissed the petition and finds no infirmity or illegality in the impugned order passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai and hence it is liable to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.

21.03.2025

Vv

To

1. The Sessions Judge, Mahalir Neethimandram at Allikulam, Chennai

The Deputy Commissioner of Police,
CBCID, Metro Unit II, Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Vv

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