



WEB COPY



Crl.O.P.No.10971 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM:

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

Crl.O.P.No.10971 of 2025

and

Crl.M.P.No.7266 of 2025

Vivek

.... Petitioner

Vs

The State rep.by
The Inspector of Police,
Station House Officer,
Villupuram Town Police station
Crime No.1547/2020

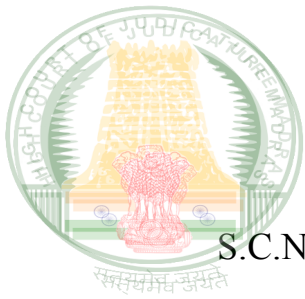
.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records relating to the Impugned order dated 19.06.2024 made in Crl.M.P.3379 of 2024 in S.C.No.290 of 2020 on the file of the learned Principal Sessions Judge, Villupuram to set aside the order.

For Petitioner : Mr.R.Prem Anandhan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed challenging the impugned order dated 19.06.2024 passed in Crl.M.P.3379 of 2024 in



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S.C.No.290 of 2020 by the Principal Sessions Judge, Villupuram,

thereby dismissing the application filed by the petitioner to recall P.Ws.1 to 20, 22 to 24.

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

3. The petitioner is an accused and is facing charges for the offences under Sections 294(b), 324, 307 of IPC, which were subsequently altered to 294(b), 324, 302 of IPC. Insofar as the prosecution had examined 27 witnesses, who were marked as P.Ws. 1 to 27. The matter is now posted for questioning under Section 311 of Cr.P.C. The petitioner has filed an application seeking to recall P.Ws.1 to 20 & 22 to 24 for further cross examination.

4. A perusal of the records reveals that P.Ws.1 to 20 and 22 to 24 were already cross examined by the petitioner. Once again the petitioner filed an application for further cross examination of those witnesses on the ground that the earlier counsel on record failed to ask some questions. However, the mere engagement of a new counsel cannot



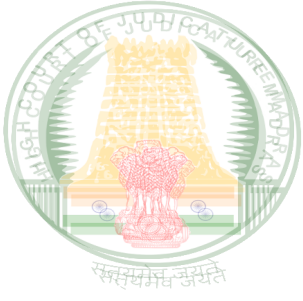
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be considered a valid ground for recalling witnesses for further cross examination. That apart, these witnesses were cross examined long before. Hence, the Trial Court rightly dismissed the application filed by the petitioner.

5. In view of the above, this Court finds no infirmity or illegality in the order dated 19.06.2024 passed in Crl.M.P.3379 of 2024 in S.C.No.290 of 2020 by the Principal Sessions Judge, Villupuram. Accordingly, this Criminal Original Petition stands dismissed. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

15.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Sessions Judge,
Villupuram
- 2.The Inspector of Police,
Station House Officer,
Villupuram Town Police station
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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