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CrI.O.P.No.17247 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.17247 of 2025

Abdhul Jalil

... Petitioner

Vs.

State Rep. by

The Inspector of Police

Selvapuram Police Station

Coimbatore City

Coimbatore District

(Crime No.466 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the order dated 09.04.2025 made in CrI.M.P.No.45576 of 2023 in C.C.No.99 of 2022, on the file of Judicial Magistrate Additional Mahila Court, Coimbatore.

For Petitioner

: Mr.W.Camyles Gandhi

For Respondent

: Mr.S.Vinoth Kumar

Government Advocate (CrI. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner to set aside the order dated 09.04.2025 made in CrI.M.P.No.45576 of 2023 in C.C.No.99 of 2022, on the file of Judicial Magistrate Additional Mahila Court, Coimbatore.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in C.C.No.99 of 2022 on the file of Judicial Magistrate Additional Mahila Court, Coimbatore for the offence under Sections 294(b) and 353 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The trial has already been completed. After completion of defense arguments, the case was posted for prosecution side arguments. At that time, the respondent police filed a petition under Section 311 Cr.P.C. for examination of additional witness namely Rajeshkumar, Head Constable for the purpose of marking of C.D. as a document, whereas, in the impugned order it has been stated that the respondent police has filed the petition under Section 311 Cr.P.C. to recall



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P.W.1 and in order to given an opportunity, the said petition was allowed on

cost. But the fact is that, the respondent police had not sought for any relief of recalling of P.W.1. Therefore, the impugned order is liable to be set aside.

3. The learned Government Advocate (CrI. Side) appearing for the respondent police also submitted that the prosecution had not sought for any relief of recalling of P.W.1 in the said petition and that they had only sought for examination of additional witness for the purpose of marking of C.D.

4. It is seen that the said additional witness namely Rajesh Kumar, Head Constable was already examined by the police during investigation and his statement has also been recorded under Section 161 Cr.P.C. The said copy was also duly served to the petitioner under Section 207 Cr.P.C. Therefore, examining the said additional witness for the purpose of marking of C.D. would cause no prejudice to the petitioner.

5. Therefore, considering the above facts and circumstances of the case, the order passed by the Magistrate is modified to the effect that the said



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petition filed by the respondent police under Section 311 Cr.P.C. for

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examination of additional witness is allowed. The learned Magistrate is directed to summon the said additional witness for the purpose of marking of C.D.

6. With the above modification, this Criminal Original Petition is disposed of.

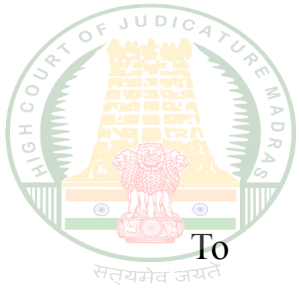
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate,
Additional Mahila Court, Coimbatore.
2. The Inspector of Police
Selvapuram Police Station
Coimbatore City
Coimbatore District
3. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN. J.

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