



CrI OP(MD)No.11375 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI OP(MD)No.11375 of 2025

and

CrI MP(MD)No.8610 of 2025

S.Sekar

... Petitioner

Vs.

The Sub Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi.
[Crime No.74 of 2014]

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order made in CrMP.No. 22994 of 2024 in CC.No.276 of 2015 dated 12.02.2025 passed by the Judicial Magistrate No.I, Thoothukudi by allowing this criminal original petition.

For Petitioner : Mr.R.Aravindraj

For Respondent : Mr.AS.Abul Kalaam Azad
Government Advocate (CrI. Side)



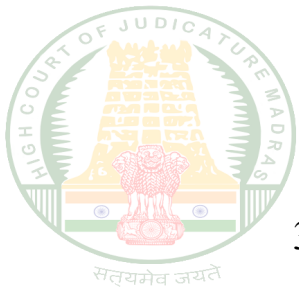
Crl OP(MD)No.11375 of 2025

ORDER

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The petitioner is an accused in CC No.276 of 2015. He has filed this petition challenging the order passed by the learned Judicial Magistrate No.1, Thoothukudi dated 12.02.2025 dismissing his petition to recall the witnesses PW1 to PW4.

2.The petitioner is charged for the offence under Sections 451, 294(b), 323 and 506(ii) of IPC and Section 4 of TNPWH Act. The final report was taken on file in the year 2015. The trial commenced in the year 2017. PW1 was examined on 18.05.2017, PW2 and PW3 were examined on 03.10.2018 and PW4 was examined on 26.07.2022. While being so the petitioner has filed an application to recall the witnesses PW1 to PW4 before the trial Court on 12.12.2024, after six years of examination of PWs1 to 3 and after two years of examination of PW4. The trial Court by order dated 12.02.2025 dismissed the petition filed by the petitioner. Challenging the same the petitioner is before this Court.



CrI OP(MD)No.11375 of 2025

WEB COPY

3.The learned Government Advocate (CrI Side) appearing for the respondent police submits that the petitioner has not cross examined the witnesses when they were available in the years 2017, 2018 and also in the year 2022, in order to drag on the proceedings. He has also relied on the orders passed by this Court in CrIOP No.14671 of 2019, dated 12.06.2019 and submits that this nature of complaint cannot be entertained after a period of six years. He further submits that PW1 was examined in the year 2017 and now he is sought to be recalled in the year 2025. Therefore due to passage of time and loss of memory, there may be discrepancies in the evidence and the petitioner may take advantage of the same.

4.This Court considered the rival submissions made.

5.For the occurrence said to have taken place in the year 2014, final report was filed in the year 2015 and the trial commenced in the year 2017. PW1 was examined in the year 2017, PW2 and PW3 were examined in the year 2018. There is no justifiable reason for the petitioner to recall the witnesses after six long years. This Court is of the view that the trial Court has rightly rejected the petition to recall the



Crl OP(MD)No.11375 of 2025

witnesses. Therefore, this Court is not inclined to entertain this petition.

WEB COPY Accordingly this petition is dismissed. Consequently connected miscellaneous petition is closed.

07.07.2025

DSK

To

- 1.The Judicial Magistrate No.I,
Thoothukudi.
- 2.The Sub Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI OP(MD)No.11375 of 2025

B.PUGALENDHI,J

DSK

CrI OP(MD)No.11375 of 2025

07.07.2025