

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.5831 of 2015

S.G.Sivakumar ... Petitioner

Vs

R.Kavitha ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 07.01.2014 passed by the learned Judicial Magistrate No.I, Namakkal, in CrlMP.No.2543 of 2013 in CC.No.35 of 2013.

For Petitioner :Mr.S.Parameswaran

ORDER

This petition has been filed to set aside the order dated 07.01.2014 passed by the learned Judicial Magistrate No.I, Namakkal, in CrlMP.No.2543 of 2013 in CC.No.35 of 2013.

2.Heard the learned counsel for the petitioner and perused the material placed on record.

3.It is seen that the petitioner/accused filed an application under Section 311 CrPC for the purpose of cross examining PW1, which was dismissed by the learned Judicial Magistrate No.I, Namakkal, on 07.01.2014. After elapse of one year, this petition has been filed before this Court on 04.03.2015.

4.The learned counsel for the petitioner submitted that the petitioner may be given one chance for cross examining the witness. If the trial had been completed by now, no such order can be passed, as prayed for by the petitioner. The learned counsel for the petitioner further submitted that the trial has not been completed and the case is adjourned to 22.05.2015. If that is so, the learned Judicial Magistrate No.I, Namakkal, may permit PW1 for being cross examined by the petitioner on 22.05.2015, on the petitioner paying a cost of Rs.1,000/- (Rupees one thousand only) to the witness. If the petitioner does not cross examine the witness on that day, this petitioner will automatically forfeit his right to cross examine the witness. On account of any unexpected reasons, like boycott of Courts or absence of Judicial Officers or

absence of witness, the learned Magistrate shall fix another short date for the petitioner to cross examine the witness.

With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

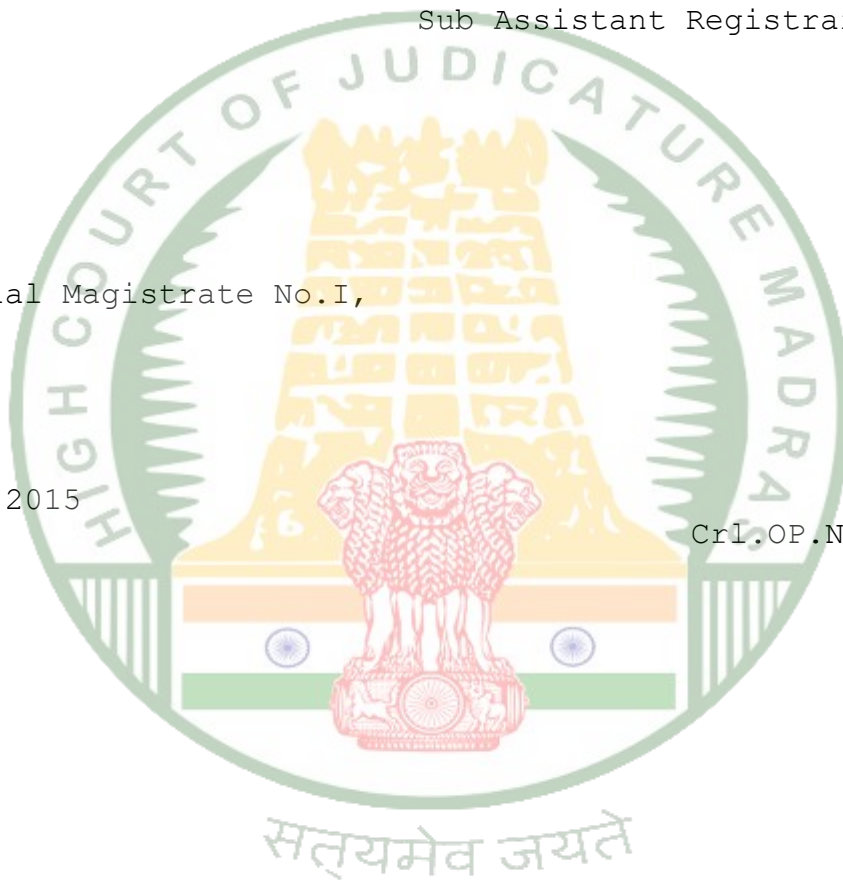
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To

The Judicial Magistrate No.I,
Namakkal.

MP (CO)
EU 23.04.2015

CrI.OP.No.5831 of 2015



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