

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.2.2015.

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.No.24417 of 2009

and

M.P.No.1 of 2009

Desavelu

Petitioner/Accused

vs.

N.A.Rahim

Respondent/Complainant

Criminal Original Petition to set aside the order passed in C.M.P.No.2517 of 2009 in C.C.No.222 of 2001 dated 28.10.2009 on the file of the Principal District Munsif cum Judicial Magistrate, Vandavasi.

For appellant : Mr.V.Sairam

For Respondents : No appearance.

ORDER

The criminal original petition has been filed to set aside the order passed in C.M.P.No.2517 of 2009 in C.C.No.222 of 2001 dated 28.10.2009 on the file of the Principal District Munsif cum Judicial Magistrate, Vandavasi rejecting the plea of the petitioner in the miscellaneous petition filed under section 311 Cr.P.C. to recall PW1 and examine the investigating officer the mark the referred charge sheet.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner produced a xerox copy of the referred charge sheet notice before this court. The Calendar Case is pending from the year 2001. The petitioner seeks only to produce the certified copy of the referred charge sheet notice which is necessary to prove the case of the petitioner. Hence, it is just and necessary to give one more chance to the petitioner to examine PW1 and the investigating officer to mark the RCS notice.

4. Therefore, the criminal original petition is allowed. The order passed in C.M.P.No.2517 of 2009 in C.C.No.222 of 2001 dated 28.10.2009 on the file of the Principal District Munsif cum Judicial Magistrate, Vandavasi is set aside. The court below is directed to

fix a specific date for examining PW1 and the investigating officer and proceed in accordance with law. No costs. The connected miscellaneous petition is closed.

ssk.

-s/d-
Assistant Registrar(J)
Dt:13/2/2015

True Copy

Sub-Assistant Registrar

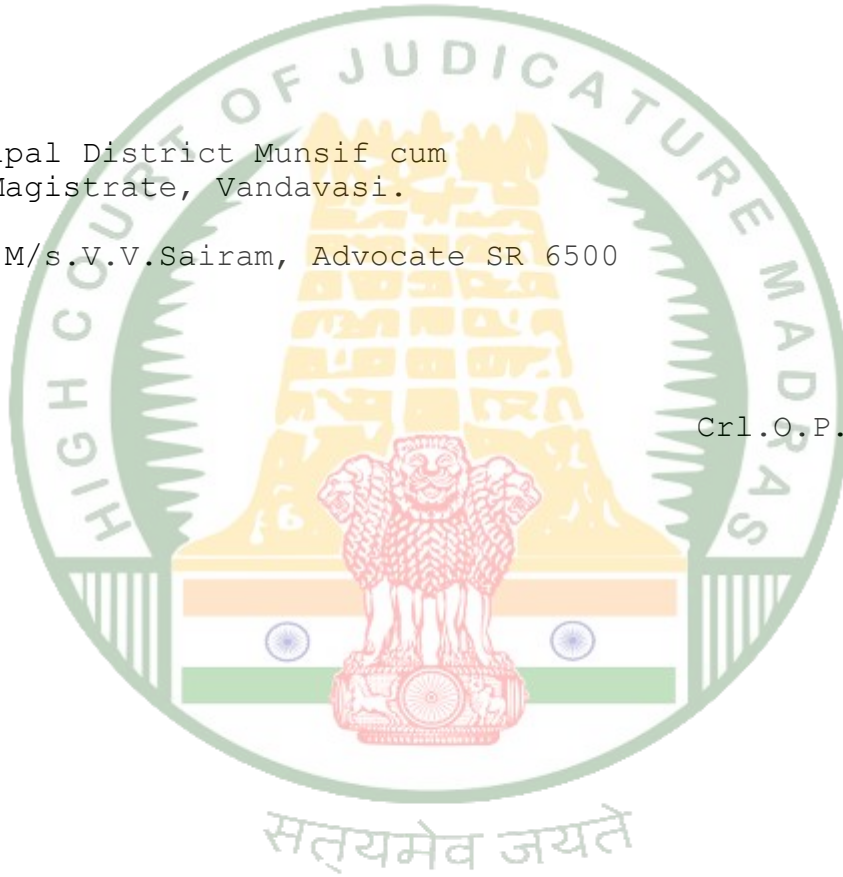
To

The Principal District Munsif cum
Judicial Magistrate, Vandavasi.

+ 1 cc to M/s.V.V.Sairam, Advocate SR 6500

ppa(co)
prk24/2

Crl.O.P.No.24417 of 2009



WEB COPY