



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P.(MD)No.3863 of 2015

and

M.P.(MD) No. 1 of 2015

M.Jinnah Mohamed

.. Petitioner/Petitioner

.. Vs ..

K.Dharmaraja

.. Respondent/Respondent

PRAYER: Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records in Criminal Miscellaneous Petition No.312 of 2015 filed in S.T.C.No.460 of 2012, on the file of the Judicial Magistrate No.VI, Tiruchirapalli and to set aside the order dated 29.01.2015 passed by the Judicial Magistrate No.VI, Tiruchirapalli, in Criminal Miscellaneous Petition No.312 of 2015 filed in S.T.C.No.460 of 2012.

For Petitioners : Mr.M.Ramasubramanian

O R D E R

The Criminal Original Petition is filed praying to for the records in Criminal Miscellaneous Petition No.312 of 2015 filed in S.T.C.No.460 of 2012, on the file of the Judicial Magistrate No.VI, Tiruchirapalli and to set aside the order dated 29.01.2015 passed by the Judicial Magistrate No.VI, Tiruchirapalli, in Criminal Miscellaneous Petition No.312 of 2015 filed in S.T.C.No.460 of 2012.

2. Heard the learned Counsel for the petitioner.

3. The petitioner is the complainant. This petition has been filed against the application filed under Section 311 Cr.P.C. being allowed, giving liberty to the respondent for further cross-examination of P.W.1.

4. The power conferred under Section 311 Cr.P.C. is wide and discretionary. Though the said power is a judicial discretion, on a consideration of the issue, this Court does not find any perversity in it.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently the connected Miscellaneous Petition is also dismissed. Further, since the case is pending from the year 2012 onwards, the learned Judicial Magistrate No.VI, Tiruchirappalli is directed to dispose of the case, within a period of four months from the date of receipt of a copy of this order. A further direction is issued to conclude the further cross-examination of the petitioner in one hearing, in which case, the Counsel for the petitioner can also reexamine the petitioner.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To

1.The Judicial Magistrate No.VI,
Tiruchirapalli.

2.-Do-Thro The Chief Judicial Magistrate,
Trichy.

+1cc to Mr.M.Ramasubramanian, Advocate in SR.No. 18444

Sm:23.04.2015:2P/4C

ssl

CRL.O.P. (MD) No.3863 of 2015
and

M.P. (MD) No. 1 of 2015
10.04.2015