



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2014

CORAM:

THE HONOURABLE Mr.JUSTICE G.M.AKBAR ALI

CrI.O.P. (MD)No.13256 of 2013

and

M.P. (MD)No.1 of 2013

1.N.Mala

2.N.Vijayan

... Petitioners

Vs.

S.Mayilvaganan

... Respondent

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Cr.M.P.No.4750 of 2013 dated 18.07.2013 on the file of the Judicial Magistrate No.IV, Trichy.

For Petitioners : Mr.T.K.Gopalan

For Respondent : Mr.P.Natarajan

O R D E R

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

2.This petition has been filed to set aside the order passed in Cr.M.P.No.4750 of 2013 dated 18.07.2013 on the file of the Judicial Magistrate No.IV, Trichy.

3.When the matter was taken up for hearing, the learned counsel for the petitioners submitted that petition filed under Section 311 of Cr.P.C., to recall P.W.1, 2 and 4, was dismissed by the learned Judicial Magistrate No.IV, Trichy only on the ground that they were cross examined in the year 2008 and 2012 itself. Hence, the petitioners filed the present petition to set the order passed in Cr.M.P.No.4750 of 2013.

4.The learned counsel for the petitioners submitted that the petitioners are ready to recall and cross examine P.W.1,2 and 4 on a particular day and they are ready to bare with cost and expenses for the witnesses.

(*) 5. "In view of the above, the Criminal Original Petition is allowed and the order passed in Cr.M.P.No.4750 of 2013 in C.C.No.2 of 2008 is set aside the learned Judicial Magistrate No.IV, Trichy is directed to issue summons to recall P.W.1,2 and 4 for the next hearing date and the petitioners are directed to pay the cost and expenses for the witnesses and the learned Magistrate is also directed to expedite the trial within a period of two months from the date of receipt of a copy of this order. Consequently, connected M.P.is closed."

Sd/-

Assistant Registrar

(*) 5th paragraph is replaced with new paragraph
as per the order of this Court dated 17/03/2014
<https://hcservices.ecourts.gov.in/hcservices/>
and made herein.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



To

To be substituted for the order already despatched on 13.03.2014.

1. The Chief Judicial Magistrate, Trichy.

2. The Judicial Magistrate No.IV, Trichy.

+lcc to Mr.T.K.Gopalan for petitioner in SR.No. 15151.

TS/13.03.2014/2P-4C

PA/18.03.2014/2P/4C

Cr1.O.P. (MD) No.13256 of 2013

11.03.2014