



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Cr1.O.P. (MD) .Nos.18181 and 18242 of 2013

B.Ariyamuthuu ... Petitioner in both the petitions

-Vs-

A.Saravanan ... Respondent in both the petitions

PRAYER:- Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure praying to call for records pertaining to the order passed by the learned Judicial Magistrate (Fast Track Court NO.II), Madurai, Madurai District in Cr.M.P.No.4 of 2013 in S.T.C.No.163 of 2012 vide his order dated 24.07.2013 and in Cr.M.P.No.163 of 2012 in S.T.C.No.163 of 2012 vide his order dated 03.09.2012 and set aside the same and consequently direct the above said learned Judicial Magistrate to recall the Defence Witness No.1 (Respondent/Accused) for subjecting him to cross-examination by the petitioner.

For Petitioner
in both case :Mr.R.Anand

For Respondent
in both case :Mr.A.Thiruvadikumar

COMMON ORDER

The petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for records pertaining to the order passed by the learned Judicial Magistrate (Fast Track Court NO.II), Madurai, Madurai District in Cr.M.P.No.4 of 2013 in S.T.C.No.163 of 2012 vide his order dated 24.07.2013 and in Cr.M.P.No.163 of 2012 in S.T.C.No.163 of 2012 vide his order dated 03.09.2012 and set aside the same and consequently direct the above said learned Judicial Magistrate to recall the Defence Witness No.1 (Respondent/Accused) for subjecting him to cross-examination by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices> 2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.



3.The petitioner is the complainant. Being aggrieved against the dismissal of the application under Section 311 of the Code of Criminal Procedure, by which it was held that the application was belated and no reasons have been assigned, the present petition is filed.

4.Law is quite settled that the application of 311 of the Code of Criminal Procedure can be filed at any stage. The petitioner is the complainant seeks an opportunity to conduct the cross-examine the witness.

5.Considering the facts and circumstances of the case, this Court is of the view that to set aside the order passed by the learned Judicial Magistrate (Fast Track Court No.II), Madurai. Accordingly, the applications filed in Cr.M.P.No.4 of 2013 and Cr.M.P.No.163 of 2012 stand allowed and the learned Judicial Magistrate (Fast Track Court NO.II), Madurai is directed to permit the petitioner to cross-examine the witness on a single day. On the very same day, the learned counsel for the respondent can re-examine the said witness, if so required and the criminal original petitions are allowed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate
(Fast Track Court NO.II),
Madurai, Madurai District.

2.The Chief Judicial Magistrate, Madurai

+1cc to Mr. R.Anand ,Advocate Sr.No. 20698

+1cc to Mr. A.Thiruvadikumar ,Advocate Sr.No. 21064

ns

AA/08.05.2015/2p -5c/

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