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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

CrI.O.P. (MD) No.15316 of 2016

T.Thangaraj

...Petitioner/Accused

-Vs-

A.Gandhi

... Respondent/Complainant

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate-cum-Fast Track Court No.2, Madurai to receive the interlocutory application in S.T.C.No.218 of 2015 filed by the petitioner to reopen the evidence of D.W.2 and to mark certain documents.

For Petitioner : Mr.K.P.Narayanakumar
For Mr.N.Madhava Govindan
For Respondent : Mr.M.Jeevanandam

O R D E R

This petition has been filed, seeking to direct the learned Judicial Magistrate-cum-Fast Track Court No.2, Madurai to receive the interlocutory application in S.T.C.No.218 of 2015 filed by the petitioner to reopen the evidence of D.W.2 and to mark certain documents.

2. The learned counsel for the petitioner would submit that the Trial Court did not even receive the application for examination of D.W.2 (by name Sundaresan, S/o.Sonaimuthu.)

3. Learned counsel for the respondent would contend that the petition has been filed only in order to drag on the proceedings and that despite sufficient opportunity given by the Trial Court for examination of defence witnesses, the petitioner has not chosen to examine him.

4. In reply to the above submission, the learned counsel for the petitioner has submitted that in order to show that the intention of the petitioner is not to drag on the proceedings, he will examine D.W.2 / Sundaresan by 24.08.2016, i.e., on the date of hearing itself and he will not ask for time to examine any other witnesses. There is also an undertaking by the learned counsel for the petitioner that the petitioner is agreeable to pay costs to D.W.2.

5. Under such circumstances, D.W.2 shall be present and be examined before the Trial Court on 24.08.2016 and cross examination shall be completed on the same day itself. The payment of cost of Rs.1,000/- is also paid to the counsel representing the respondent in this Court itself. Cost of Rs.1000/- paid inside the Court, is recorded.



6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar(P&A)

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:
The Judicial Magistrate-cum-Fast Track Court No.2,
Madurai.

+1cc to Mr.N.Madhava Govindan, Advocate in SR.46659

Cr1.O.P.(MD).No.15316 of 2016
23.08.2016

ar.

PBK/DB/SAR-III 23.08.2016 ::2P-3C: (IT)