



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

CrI.O.P.(MD)No.22883 of 2016

and

CrI.M.P(MD)No.12008 of 2016

Dr.Sathish Kumar

.... Petitioner/Petitioner/Accused

Vs.

Dr.Sithiya

.... Respondent/Respondent/Complainant

Prayer: Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned order, dated 23.09.2016 made in Cr.M.P.No.2427 of 2016 in S.T.C.No.169 of 2012 on the file of the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and set aside the same by allowing the above criminal original petition and allow the petitioner to cross-examine P.W.1 (respondent/complainant) for the limited purpose.

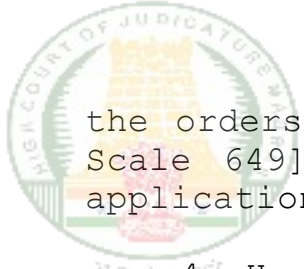
For petitioner :Mrs.D.Farjana Ghoushia

O R D E R

This petition is filed to set aside the order passed by the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District in Cr.M.P.No.2427 of 2016 in S.T.C.No.169 of 2012.

2. Heard the submission made by the learned counsel appearing for the petitioner and perused the materials available on record.

3. Perusal of the records shows that the respondent herein filed a private complaint against the petitioner, who is her husband for the alleged offence under Sections 499 and 500 of I.P.C. The respondent has examined herself as P.W.1 in the year 2012 and cross-examination was over on 16.11.2012. Thereafter, the case is now posted for the defence side evidence and after examining the witnesses D.Ws.1 to 5 and after closure of the evidence of defence side, the petitioner filed Cr.M.P.No.2427 of 2016 to recall P.W.1 for the purpose of cross-examination under Section 311 of Cr.P.C. The learned Judicial Magistrate following



the orders of the Honourable Supreme Court of India in [(2015) 9 Scale 649] and [2015 (1) MLJ(Crl.) 288, had dismissed the said application.

4. Hence, I do not find any merit in this case. Accordingly, this Criminal Original Petition is dismissed. However, considering the fact that the case is pending from the year 2012, the Court below is directed to dispose of the case in S.T.C.No.169 of 2012, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Srivilliputhur, Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to M/s.G.Mariappan, Advocate in SR.No. 78599

PM

CSL/SS-3/19.12.2016: 2P/4C

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