

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.02.2017
CORAM
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN
Crl.O.P.No.2111 & 2107 of 2017
and
Crl.M.P.Nos.1507 & 1505 of 2017

R.Chandrasekar

... Petitioner /Accused
(in Both Crl. OPs.)

Vs

M/s.Jaykay Steel
rep. by its Partner
Mr.N.Jagadeesan,
No.110, Rajiv Gandhi Nagar,
Sowripalayam, Coimbatore-641 028. Respondent/Complainant
(in Both Crl. OPs.)

PRAYER IN CRL.OP.NO.2111 OF 2017 Criminal Original Petition
filed under Section 482 Cr.P.C. to set aside the order passed by
the learned Judicial Magistrate, Fast Track Court No.I,
Coimbatore in Crl.M.P.No.11969 of 2016 in C.C.No.376 of 2011.

PRAYER IN CRL.OP.NO.2107 OF 2017 Criminal Original Petition
filed under Section 482 Cr.P.C. to set aside the order passed by
the learned Judicial Magistrate, Fast Track Court No.I,
Coimbatore in Crl.M.P.No.11969 of 2016 in C.C.No.376 of 2011.

For Petitioner : Mr.C.T.Mohan

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

These petitions have been filed to set aside the order
passed by the learned Judicial Magistrate, Fast Track Court
No.I, Coimbatore in Crl.M.P.Nos.11969 & 11970 of 2016 in
C.C.No.376 of 2011.

2. The grievance of the petitioner/complainant is that
earlier during trial the respondent/complainant marked the xerox
copy of a document which was also permitted by the Court below,
and after the evidence was closed, the matter is posted for
argument. At that time, the respondent/complainant filed a
petitions in Crl.M.P.Nos.11969 & 11970 of 2016 to reopen the
case for recall the P.W.1 for production of original invoices.
The Court below after perused the materials available on record

allowed the petitions. Aggrieved over the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the respondent/complainant has already marked xerox copy of the document, which is available on record, now there is necessity to file the original document, and the Court below did not even give any opportunity to cross examine the complainant on that document.

4. Considering the above facts and circumstances of the case, already the respondent/complainant marked the xerox copy of the document, and no prejudice will be caused to the petitioner by marking the original. However, in the interest of justice, the learned Judicial Magistrate, Fast Track Court No.1, Coimbatore is directed to given an opportunity to the petitioner to cross examine the complainant on the documents sought to be marked by the respondent/complainant. The learned Judicial Magistrate is directed to call the matters on 13.02.2017, and on that day the petitioner is directed to cross examine the respondent and on the same day close the evidence. Thereafter, after hearing the arguments of both sides, the Court below is directed to pass orders within a period of one month.

5. With the above direction, the criminal original petitions are disposed of. Consequently, connected M.Ps. are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rrg

To

1.The Judicial Magistrate,
Fast Track Court No.I,
Coimbatore.

2.Do Thro The Chief Judicial Magistrate
Coimbatore

+1 cc to Mr.R.Vijayaraghavan Advocate sr 9297

Cr1.O.P.Nos.2111 & 2107 of 2017

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