

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.23505 of 2017

Suresh

... Petitioner

Vs.

Karthikeyan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed in Crl.M.P.No.7044 of 2017 in C.C.No.2395 of 2017 on the file of the learned IV Fast Track Court, George Town, Chennai.

For Petitioner : Mr.R.Ganesh

For Respondent : Mr.K.Manimaran

O R D E R

The Petitioner's request to recall and cross examination of the accused under Section 311 of Code of Criminal Procedure was rejected on the ground that the petitioner has not stated any reasons for further examination of the accused and did not exercise the option of examination when the accused was present. Challenging the same, the present petition is filed.

2. It is true that the Hon'ble Supreme Court in various cases condemned the practices of vexatious applications filed under Section 311 of Cr.P.C to protract the proceedings.

3. Nevertheless, the learned counsel for the petitioner submitted that the petitioner may be given an opportunity for examining the accused to prove that the allegation of the respondent in the complaint is false.

4. In view of the submissions made by the petitioner, by giving another opportunity to examine the accused, by fixing the time frame for completing the examination will not cause prejudice to the respondent and by fixing such time frame, the proceedings may not get unjustifiably prolonged.

5. Hence the order passed in Crl.M.P.No.7044 of 2017 in C.C.No.2395 of 2014, dated 22.09.2017 by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai is set aside. Consequently, the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, is directed to permit the petitioner to recall and examine the accused on 24.11.2017. It is made clear that the petitioner shall complete the examination on the same day and no further opportunity will be given.

6. With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

The Presiding Officer,
Metropolitan Magistrate,
Fast Track Court-IV,
George Town, Chennai

+1cc to Mr.K.Manimaran, Advocate, S.R.No.82103
+1cc to Mr.R.Ganesh, Advocate, S.R.No.82342

CRL.O.P.No.23505 of 2017

CA(22/11/2017)

सत्यमेव जयते

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