

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.R.C.No.1133 of 2016

&

CrI.M.P.No.9858 of 2016

N.Gopal

... Petitioner

Vs.

M.Ponnan

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Ootacamund, passed in C.M.P.No.5258 of 2016 in C.C. No.154 of 2006 on 18.07.2016.

For Petitioners: Mr.J.Franklin

For Respondent : No Appearance

O R D E R

This revision challenges the order of dismissal passed in C.M.P.No.5258 of 2016 in C.C. No.154 of 2006 on 18.07.2016 on the file of learned Judicial Magistrate, Ootacamund filed by the petitioner/accused to reopen evidence towards examination of witness on the side of the petitioner/accused.

2. Heard learned counsel for petitioner. Though respondent stands served none appears on behalf of the respondent.

3. Learned counsel for petitioner submits that though the case is of the year 2006, complainant evidence was completed only on 01.01.2015 and the opportunity provided by Court below to the petitioner to lead evidence on 09.06.2016, 15.06.2016 and 21.06.2016 could not be availed of owing to observance of boycott by advocates.

4. Considering such submission, this Court is of the view that one further opportunity may be afforded to the petitioner. Learned counsel for petitioner submits that petitioner intends to examine only himself on the side of defence. Accordingly, the order under challenge is set aside, with a direction to the Court below to fix a date for examination of the petitioner on the side of defence. If the petitioner is not examined on such date, Court below may proceed to hear arguments in the matter and pass judgment in the case. In any event, Court below is to dispose of the case in C.C.No.154 of 2006 within a period of one month from the date of receipt of a copy of this order.

Accordingly, the Criminal revision case is allowed.
Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

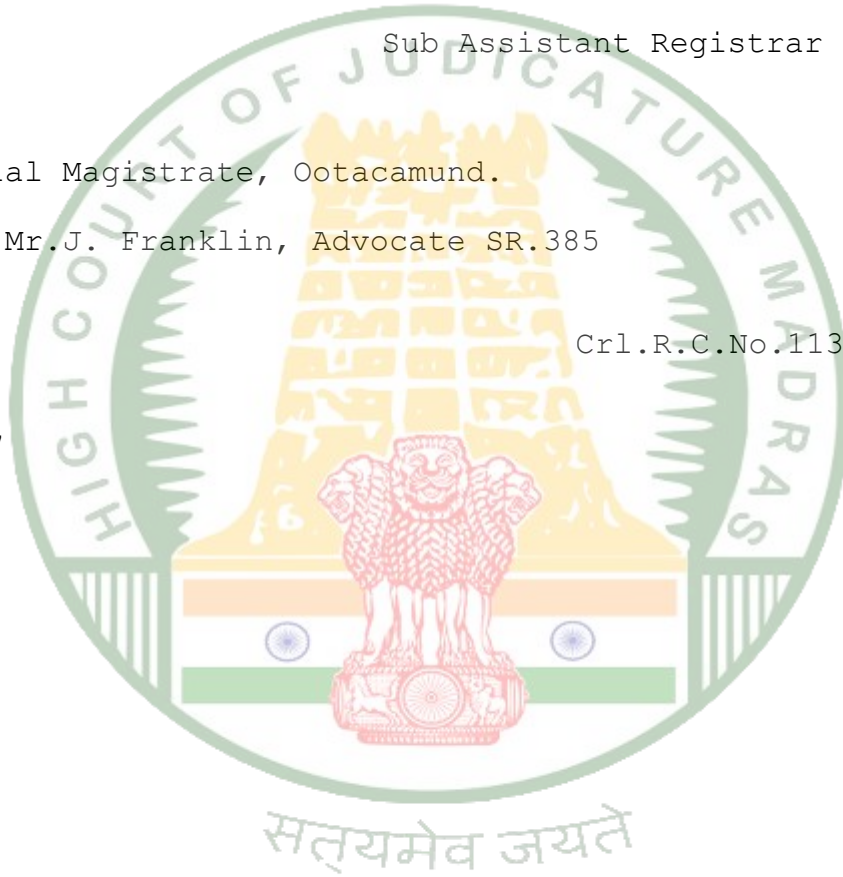
To

The Judicial Magistrate, Ootacamund.

+ 1 cc to Mr.J. Franklin, Advocate SR.385

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MP (CO)
EU 23.2.17



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