

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.24865 of 2017

and

Crl.M.P.No.14350 of 2017

R.Balaji

... Petitioner /Accused

Vs

R.Lakshmanan

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed in Crl.M.P.No.857 of 2017 dated 06.10.2017 by Fast Track Court- II, Metropolitan Magistrate Court, Egmore at Allikulam Chennai-3 in so far as dismissing the recall witnesses filed by the petitioner under section 311 of Cr.P.C petition.

For Petitioner : Mr. C.V.Kumar

For Respondents : Mr.C.Iyyapparaj

Additional Government Pleader

O R D E R

The prayer in the present petition is to set aside the order passed in Crl.M.P.No.857 of 2017 dated 06.10.2017 by Fast Track Court- II, Metropolitan Magistrate Court, Egmore at Allikulam Chennai-3 in so far as dismissing the recall witnesses filed by the petitioner under section 311 of Cr.P.C petition.

2. By an earlier order passed in Crl.M.P.No. 857 of 2017, dated 17.08.2017, the petitioner was permitted to summon four witnesses namely Shankar, A.Karthikeyan, Swaminathan and T.V.Satheesh Kumar and examine them.

3. However, since the petitioner has not taken effective steps to bring the witnesses, the defence side evidence came to be closed by the trial court on 06.10.2017. The case is now listed for accused side arguments on 24.11.2017.

4. The learned counsel appearing for the petitioner submits that inspite of his earnest efforts, four witnesses could not be brought before the trial court and therefore, seeks for one more opportunity. According to him, these four witnesses are crucial witnesses to establish his case.

5. I do not find any infirmity in the order passed by the lower court in rejecting the petitioner's request, on the ground that he has not taken steps. However, taking into consideration, the petitioner's submissions, a sympathetic view can be taken in this regard.

6. Consequently the order passed in Crl.M.P.No.857 on 2017 dated 17.08.2017 is set aside and consequently, the petitioner is permitted to summon four witness namely Shankar, A.Karthikeyan, Swaminathan and T.V.Satheesh Kumar and complete such examination on 24.11.2017.

7. It is made clear that no further opportunity will be granted to the petitioner in this regard.

With the above observation, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

aav/nl

To

1. The Fast Track Court- II,
Metropolitan Magistrate Court, Egmore at Allikulam,
Chennai-3
2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.V.Kumar Advocate sr 81970

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