

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

CRL.O.P.Nos.25375, 25378 and 25379 of 2010
and
M.P.Nos.1+1+1 of 2010

S.PothirajPetitioner in all Crl.O.Ps.

Vs.

C.Rajeshkumar Respondent in
Crl.O.P.No.25375 of 2010

Mahendran Respondent in
Crl.O.P.Nos.25378 and
25379 of 2010

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the order dated 21.10.2010 and made in Crl.M.P.Nos.5110/09, 5113/10 and 5115 of 2010 in C.C.Nos.42, 45 and 44 of 2009 respectively which are pending on the file of the learned Judicial Magistrate-I, Kancheepuram.

For Petitioner : Mr.K.M.Balaji

For Respondents : Mr.R.Prabudoss

C O M M O N O R D E R

The petitioner has filed the above said three Petitions under Section 482 of Cr.P.C., to set aside the order dated 21.10.2010 and made in Crl.M.P.Nos.5110/09, 5113/10 and 5115 of 2010 in C.C.Nos.42, 45 and 44 of 2009 respectively which are pending on the file of the learned Judicial Magistrate-I, Kancheepuram.

2. It is revealed from the records relating to the case in C.C.No.42 of 2009, the petitioner had filed a petition in Crl.M.P.No.5110/09 to reopen the case in C.C.No.42 of 2009 for the cross-examination of P.W.1. He had also filed the other petitions in Crl.M.P.Nos.5113/10 and 5115/10 in C.C.Nos.45 and

44 of 2009 to reopen the respective cases only for the purpose of cross-examination of P.W.1.

3. It is manifested that the above said cases in C.C.Nos.42, 45 and 44 of 2009 were closed for non cross-examination of P.W.1 and listed for pronouncing judgment on 15.10.2010. According to the petitioner, he had to mark certain important documents through the complainant and therefore, he wanted to reopen the above said cases only for the purpose of recalling P.W.1 for cross-examination. But, the above said petitions were unfortunately dismissed. Challenging the impugned order dated 21.10.2010, these three petitions were filed by the petitioner to set aside the order dated 21.10.2010 and made in CrI.M.P.Nos.5110/09, 5113/10 and 5115 of 2010, so as to enable him to reopen the above said cases and to file documents which he wanted to mark on his side.

4. When the petition is taken up for hearing today, the learned counsel for the respondent has got no objection but he has submitted that the learned Judicial Magistrate-I, Kancheepuram might be directed to dispose the above said cases viz., C.C.Nos.42, 45 and 44 of 2009 within a time frame which may be fixed by this Court. Keeping in view of the above fact, this Court finds that these three Criminal Original Petitions may be allowed with a direction to the learned Judicial Magistrate-I, Kancheepuram to dispose the above three cases as expeditiously as possible preferably within a time frame which may be fixed by this Court.

5. Accordingly, all the three Criminal Original Petitions are allowed and the impugned orders dated 21.10.2010 and made in CrI.M.P.Nos.5110/09, 5113/10 and 5115 of 2010 are set aside and the petitions in CrI.M.P.Nos.5110/09, 5113/10 and 5115 of 2010 in C.C.Nos.42, 45 and 44 of 2009 are allowed.

6. The learned Judicial Magistrate-I, Kancheepuram is directed to provide an opportunity to the petitioner who is accused in the above said cases to reopen the cases and recall P.W.1 for the purpose of cross-examination and therefore, all the three calendar cases are directed to be disposed of within two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Judicial Magistrate-I,
Kancheepuram.
- 2.-do thro the Chief Judicial Magistrate,
Kancheepuram.
3. The Public Prosecutor,
High Court, Madras.

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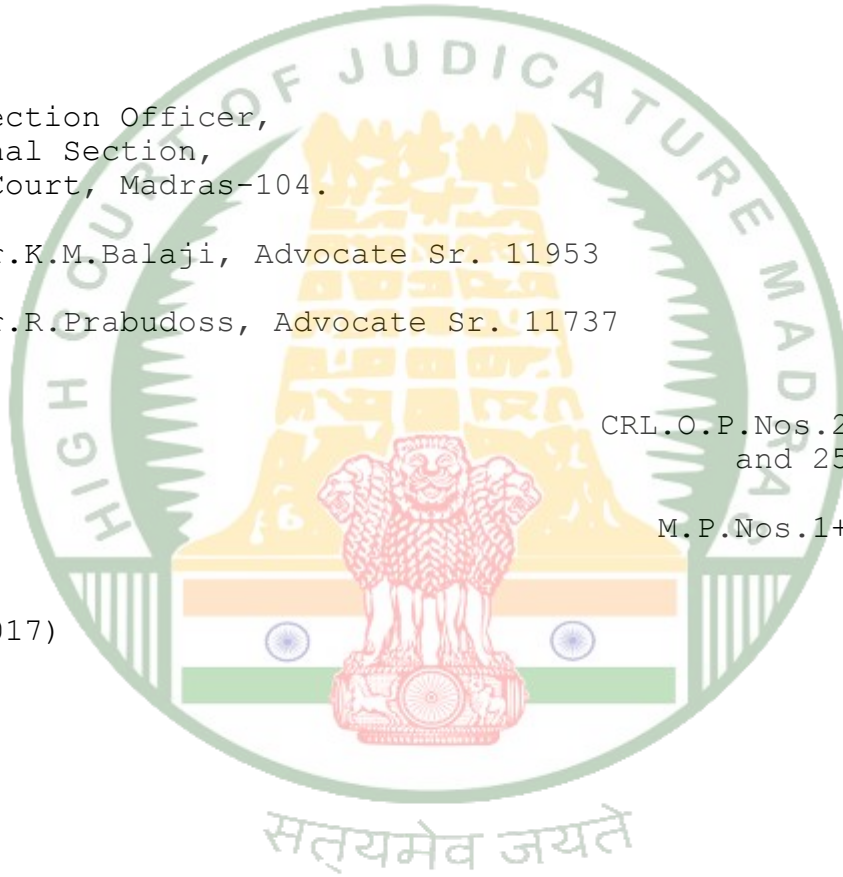
The Section Officer,
Criminal Section,
High Court, Madras-104.

+2cc to Mr.K.M.Balaji, Advocate Sr. 11953

+1cc to Mr.R.Prabudoss, Advocate Sr. 11737

CRL.O.P.Nos.25375, 25378
and 25379 of 2010
and
M.P.Nos.1+1+1 of 2010

SV(CO)
VR(11/5/2017)



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