



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.O.P.(MD)No.9387 of 2017andCRL.M.P(MD)No.6377 of 2017

N.Parthasarathi

... Petitioner/Petitioner/Accused No.3

-Vs-

The State, represented by
The Sub-Inspector of Police,
Karur Town Police Station,
Karur District.

(Crime No.1121 of 2010) ... Respondent/Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying this Court to set aside the order passed in C.M.P.No.1772 of 2017 in C.C.No.159 of 2011, dated 8.5.2017, on the file of Judicial Magistrate No.I, Karur.

For Petitioners

: M/s.B.Jameel Arasu

For Respondent

: Mr.C.Ramesh

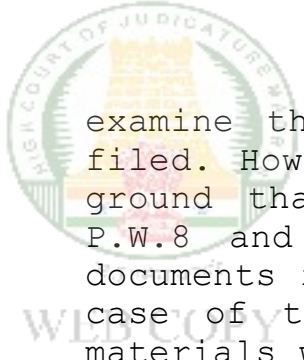
Addl. Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking to set aside the order passed in C.M.P.No.1772 of 2017 in C.C.No.159 of 2011, dated 8.5.2017, on the file of Judicial Magistrate No.I, Karur, dismissing the Petition filed by the Petitioner under Section 311 of Cr.P.C.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed before this Court.

3.The Petitioner states that on the basis of a complaint preferred by the de-facto complainant, a case was registered against the Petitioner for the offence under section 120(b), 418 and 420 of IPC and the same was taken on file after filing the charge-sheet in C.C.No.159 of 2011. After examination of P.W.1 to P.W.8 in chief, they were not cross-examined. However, the learned counsel for the Petitioner submitted that due to want of certain particulars regarding the pendency of various civil litigations between the de-facto complainant and the fourth accused, who is the son-in-law of P.W.1 and P.W.2, the Petitioner wants to further



examine the witness. It was in that context, the Petition is filed. However, the same was dismissed by the lower Court on the ground that the Petitioner was not prepared to cross-examine P.W.8 and that the Petitioner has not stated the details of documents referred to in the cross-examination. It is the specific case of the Petitioner that the petitioner has collected some materials which are relevant to the case.

4.Considering the grievance expressed by the Petitioner and the facts and circumstances of the case, especially, the fact that the Petitioner is not guilty of any un-explained delay in this matter, this Court is of the view that an opportunity should be given to the Petitioner to further cross-examine, on the materials that are being gathered by the Petitioner.

5.In that view of the matter, the Criminal Original petition is allowed and the order passed in C.M.P.No.1772 of 2017 in C.C.No.159 of 2011, dated 8.5.2017, on the file of Judicial Magistrate No.I, Karur is set aside and the Petition filed by the Petitioner in C.M.P.No.1772 of 2017 in C.C.No.159 of 2011 is allowed. Further, the Judicial Magistrate No.I, Karur is directed to complete the examination of the witnesses within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Karur.
2. The Sub-Inspector of Police,
Karur Town Police Station,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.JAMEEL ARASU, Advocate, SR No. 67391/17.

VSN

PSM/KK/SAR2/28.07.2017/2P/5C

CRL.O.P. (MD) No.9387 of 2017
and

CRL.M.P (MD) No.6377 of 2017
21.07.2017