



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Cr1.R.C. (MD) No.801 of 2017

and

Cr1.M.P. (MD) No.9644 of 2017

K.M.Thirumalai

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(In Crime No.5 of
2013)

... Respondent

PRAYER: The Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 21.09.2017 made in Cr.M.P.No.3032 of 2017 in C.C.No.1 of 2014 on the file of the Judicial Magistrate No.II, Sivagangai.

For Petitioner	: Mr.V.Malaiyendran
For Respondent	: Mr.T.Mohan, Additional Public Prosecutor

ORDER

This Criminal Revision petition has been filed to set aside the order dated 21.09.2017 made in Cr.M.P.No.3032 of 2017 in C.C.No.1 of 2014 by the Judicial Magistrate No.II, Sivagangai.

2.The learned counsel for the petitioner is present. Mr.T.Mohan, Additional Public Prosecutor takes notice for the respondent.

3.Heard both sides.

4.The present revision is filed by the petitioner against the order of dismissal passed by the Trial Court in Cr.M.P.No.3032 of 2017 in C.C.No.1 of 2014, dated 21.09.2017 and the petitioner is arrayed as A1 in this case. He filed the above said petition seeking permission to examine himself as a witness after examining DW1 in this criminal case. The petitioner is the husband of the de facto complainant.



5.The petitioner wants to prove his case by way of examining himself as D.W.2 before the Trial Court. The respondent Police has not chosen to raise any objection before the Trial Court. However, the impugned petition filed before the Trial Court by the petitioner herein was dismissed by the Trial Court stating that D.W.1 was already examined and the said reasons assigned for dismissal by the Trial Court is not acceptable one and unsustainable in law.

6.Considering the facts and circumstances, this Court is inclined to allow this revision in the admission stage itself by setting aside the order passed by the learned Judicial Magistrate No.II, Sivagangai, in Cr.M.P.No.3032 of 2017 in C.C.No.1 of 2014, dated 21.09.2017 and also directing the learned Judicial Magistrate No.II to permit the petitioner to examine himself as a witness in the said proceedings. Consequently, connected Crl.M.P.is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Sivagangai.

2. The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(In Crime No.5 of 2013)

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.V.Malaiyendran, ADVOCATE IN SR No.83709

gns

MK/KK/SAR-2/06.11.2017/2P/5C

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