

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Crl.O.P.No.17811 of 2011  
and M.P.No.1 of 2011

P.D. Appachan ... Petitioner/Accused

Vs

S.A. Chandrasekar ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.8717 of 2008 on the file of XXIII Metropolitan Magistrate, Saidapet, Chennai and set aside the order dated 08.07.2011 passed in Crl.M.P.No.6049 of 2011 in C.C.No.8717 of 2008.

For Petitioner : Mr.S. M. Muralidharan

For respondent : Mr.K. Balajee

ORDER

The petition in Crl.M.P.No.6049 of 2011 in C.C.No.8717 of 2008 was filed by the accused for issuing summons to the witnesses, to whom he has cited as defence witnesses in Section 138 proceedings pending before the XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. The complaint was of the year 2008 and at the stage of defence, the accused had filed the above Crl.M.P.No.6049 of 2011 to examine two witnesses. The learned Magistrate dismissed the application as it was filed for protracting the trial and examination of those witnesses would not serve any purpose in deciding the case.

3. In criminal proceedings, the accused ought to be given reasonable opportunity to establish his case also. The reasons assigned by the learned Magistrate for dismissing the petition is not sustainable. Accordingly, this Criminal Original Petition is allowed and the order dated 08.07.2011 passed in Crl.M.P.No.6049 of 2011 in C.C.No.8717 of 2008 is set aside with a direction to the learned XXIII Metropolitan Magistrate, Saidapet, Chennai to expedite the trial and complete the same

within a period of eight weeks from the date of receipt of a copy of this order. The petitioner/accused shall produce his witness, if any, before the trial Court by taking necessary steps immediately within a period of one week from the date of receipt of a copy of this order.

4. With the above direction, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The XXIII Metropolitan Magistrate,  
Saidapet, Chennai.

+lcc to Mr.S.M.Muralidharan, Advocate Sr.79610

Cr1.O.P.No.17811 of 2011

sr[co]  
srg 18/12/2018

सत्यमेव जयते

WEB COPY