



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26664 of 2018

M/s.Perumal Swamy Onion Traders,
Proprietor fo Mr.Shanmugasundaram,
S/o.Marimuthu,
No.9-A, Lakhsmi Nagar,
Kozhmanivakkam Vya,
Mangadu Post,
Chennai-600 122.

... Petitioner

Vs.

R.Mohanavalli

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order of dismissal dated 29.10.2018 against the petitioner by the learned Fast Track Court-II, Egmore to recall and re-open the cross examination of P.W.1 in C.C.No.3125 of 2016 on the file of the Court.

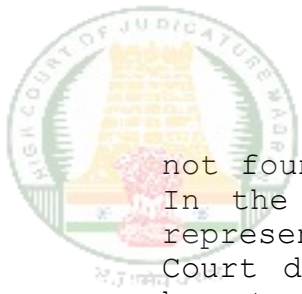
For Petitioner : Mr.S.Sathish Kumar
For Respondent : Mr.G.A.Thiyagarajan

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking to recall P.W.1 and to cross-examine him.

2.The Court below has dismissed this petition on the ground that the petitioner has already cross-examined P.W.1 on 10.05.2018. Therefore, the claim made by the petitioner in this petition as if the learned counsel for the petitioner was not able to cross examine the respondent, was found to be false.

3.The learned counsel for the petitioner would submit that the purpose of filing the petition is to recall the respondent for further cross examination and to mark certain documents. The reason as stated by the learned counsel for the petitioner, is



not found in the petition that was filed before the Court below. In the petition, it has been merely stated that the counsel representing the petitioner was not able to present before the Court due to the injuries suffered by him and therefore, P.W.1 has to be recalled for the purpose of cross-examination. The stand taken in the petition filed under Section 311 of Cr.P.C goes contrary to the stand taken before this Court by the learned counsel for the petitioner.

4.This Court is not able to find any illegality or infirmity in the order passed by the Court below. It is clear from the above that the petitioner has filed the petition only to drag on with the proceedings which is pending from the year 2016 onwards.

5.This Court does not find any merit in this petition and accordingly, this Criminal Original Petition is dismissed. The Fast Track Court-II, Egmore is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

1.The Fast Track Court-II, Egmore.

+1cc to Mr. G.A.Thiyagarajan, Advocate, S.R.No. 80629

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RK(CO)
GN(14/12/2018)