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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.[MD].No.6217 of 2018
and
Crl.M.P.[MD].No.2962 of 2018

D.Rathinam

: Petitioner

Vs.

1.Sri Venkateswara Paper and Boards Limited,
148 D, Palani Road,
S.V. Mill Post, Udumalpet-642 128.

2.M.Soundrarajan

3.Sumathi K.Prasad

4.Meena Sampath

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to Cr.M.P.No.1854 of 2018 in C.C.No.488 of 2016, on the file of the learned Judicial Magistrate No.II, Dindigul and set aside the order dated 21.03.2018 passed by the learned Judicial Magistrate No.II, Dindigul.

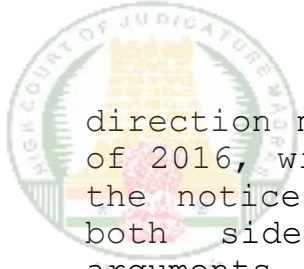
For Petitioner	: Mr.M.Sheik Abdullah
For R-1	: No Appearance
For R-2 to R-4	: Mr.N.Krishnappan for Mr.M.Sarvanan

ORDER

This Criminal Original Petition has been filed to set aside the order dated 21.03.2018, passed by the learned Judicial Magistrate No.II, Dindigul allowing the petition filed by the respondents under Section 311 of the Code of Criminal Procedure.

2. It is seen from the records that the respondents filed a petition under Section 311 of the Code of Criminal Procedure, in order to recall P.W.1 and cross examine him with regard to three documents that were marked as P.11, P.12 and P.13 during the cross examination of D.W.1. This application was allowed by the Court below by an order dated 21.03.2018. The Court below also made it clear that the cross examination has to confine itself only to the three documents mentioned above.

3. The learned counsel for the respondents 2 to 4 now states that he does not want to recall and cross examine P.W.1 and a



direction may be given to the Court below to dispose of C.C.No.488 of 2016, within an early date. The learned counsel also brought to the notice of the Court that the examination of the witnesses on both sides is already over and the case is at the stage of final arguments.

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4. In view of the submission made by the learned counsel for the respondents 2 to 4, the order of the Court below made in Cr.M.P.No.1834 of 2018 is hereby set aside. Since the case is at the stage of final arguments, this Court deems it fit to fix a time limit for the purpose of completion of the proceedings.

5. Hence, there shall be a direction to the learned Judicial Magistrate No.II, Dindigul to dispose of the case in C.C.No.488 of 2016, within a period of one month from the date of receipt of copy of this order.

6. With the above direction, the criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The Judicial Magistrate No.II, Dindigul.

(To Report Compliance of the order after the completion of the proceedings)

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

+1cc to Mr.M.SHEIK ABDULLAH, Advocate, SR.No. 81218

Cr1.O.P.[MD].No.6217 of 2018
and
Cr1.M.P.[MD].No.2962 of 2018

sjj

KK/RP/SAR-1/27.11.2018/2P-4C