

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3902 of 2019
and
Crl.MP.No.2415 of 2019

Thilagavanan .. Petitioner/R1/Accused

Vs.

1. Vijayaraghavan ... R1/Complainant

2. The Government Pleader,
Nagapattinam ..Respondent 2/R2

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and set aside the order passed in Crl.R.P. No. 7 of 2017 dated 13.11.2018 on the file of District and Sessions Judge, Nagapattinam in reversing the order dated 17.05.2017 in Crl.MP. No. 804 of 2017 in STC. No. 52 of 2016 on the file of the Judicial Magistrate, Sirkali by allowing the above Crl.Original Petition with costs.

For Petitioner : M/s.G.V.Sridharan

For Respondents : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates-R1
Mr.Mohamed Riyaz
Addl.Public Prosecutor - R2

O R D E R

The prayer in the present petition is call for the records and set aside the order passed in Crl.R.P.No.7 of 2017 dated 13.11.2018 on the file of District and Sessions Judge, Nagapattinam in reversing the order dated 17.05.2017 in Crl.MP.No.804 of 2017 in STC. No. 52 of 2016 on the file of the Judicial Magistrate, Sirkali and to allow the present Criminal Original Petition.

2. Heard both sides and perused the documents available on record.

3. On perusal of records, it is seen that the the first respondent has preferred a complainant in Crl.Mp. No.804 of 2017 in STC. No. 52 of 2016 against the petitioner on the file of the learned Judicial Magistrate, Sirkali for recalling PW1 and mark "Kai Letter" executed by the petitioner. The said Crl.MP. No.804 of 2017 was dismissed on 17.05.2017. Against the said order of dismissal, the first respondent herein has preferred Crl.R.P. No. 7 of 2017 before the learned District and Sessions Judge, Nagapattinam and the same came to be allowed on 13.11.2018. Against the said order, the petitioner has filed this Criminal Original Petition.

4. On considering the facts and circumstances of the case and also submissions made by both the counsel, this Court is of the view that no infirmity or illegality is found in the orders passed by the trial Courts. However, the learned District and Sessions Judge, Nagapattinam is directed to complete the entire process of examination of PW1 within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above observation and directions, the present Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District and Sessions Judge,
Nagapattinam.
2. The Judicial Magistrate,
Sirkali.
3. The Chief Judicial Magistrate,
Nagapattinam.
4. The Public Prosecutor
High Court, Madras.

5. The Government Pleader,
Nagapattinam.

+lcc to M/s.G.V.Sridharan, Advocate, S.R.No.21833

+lcc to M/s.K.M.Vijayan Associates, S.R.No.22191

CrI.O.P.No.3902 of 2019
and
CrI.MP.No.2415 of 2019

RV (CO)
CS/13/05/2019



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