

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2019

Coram

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.6078 & 6080 to 6084 of 2019

1. M/s.Dinakaran Medical Agencies
Rep. by its Partner
Mr.C.Dinakaran and Mrs.D.Mallika

2. Mr.C.Dinakaran

3.Mrs.D.Mallika

... Petitioners/Accused 1 to 3, in all Crl.OPs

Vs.

Uthira Ragavendra Rao,

... Respondent/Complainant, in all Crl.OPs

Prayer in Crl.O.P.No.6078 of 2019 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, pertaining to its order dated 03.01.2019 passed in Crl.M.P.No.10950 of 2018 in C.C.No.546 of 2016, set aside the same and further permit the petitioner herein to recall PW1 for further cross examination as per the petition under Section 311 of Criminal Procedure Code.

Prayer in Crl.O.P.No.6080 of 2019 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, pertaining to its order dated 03.01.2019 passed in Crl.M.P.No.10949 of 2018 in C.C.No.547 of 2016, set aside the same and further permit the petitioner herein to recall PW1 for further cross examination as per the petition under Section 311 of Criminal Procedure Code.

Prayer in Crl.O.P.No.6081 of 2019 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, pertaining to its order dated 03.01.2019 passed in Crl.M.P.No.10947 of 2018 in C.C.No.549 of 2016, set aside

the same and further permit the petitioner herein to recall PW1 for further cross examination as per the petition under Section 311 of Criminal Procedure Code.

Prayer in Crl.O.P.No.6082 of 2019 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, pertaining to its order dated 03.01.2019 passed in Crl.M.P.No.10957 of 2018 in C.C.No.493 of 2016, set aside the same and further permit the petitioner herein to recall PW1 for further cross examination as per the petition under Section 311 of Criminal Procedure Code.

Prayer in Crl.O.P.No.6083 of 2019 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, pertaining to its order dated 03.01.2019 passed in Crl.M.P.No.10948 of 2018 in C.C.No.548 of 2016, set aside the same and further permit the petitioner herein to recall PW1 for further cross examination as per the petition under Section 311 of Criminal Procedure Code.

Prayer in Crl.O.P.No.6084 of 2019 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, pertaining to its order dated 03.01.2019 passed in Crl.M.P.No.10958 of 2018 in C.C.No.492 of 2016, set aside the same and further permit the petitioner herein to recall PW1 for further cross examination as per the petition under Section 311 of Criminal Procedure Code.

For Petitioners : Mr.P.V.Sudakar
in all Crl.O.Ps

For Respondent : Mr.S.Ashok Kumar
in all Crl.O.Ps

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ORDER

These Criminal Original Petitions have been filed seeking to set aside the order dated 03.01.2019 passed in Crl.M.P.Nos.10947 to 10950, 10957 & 10958 of 2018 in C.C.Nos.546 to 549, 492 & 493 of 2016 and permit the petitioners to recall PW1 for further cross examination, as per the petition under Section 311 of Criminal Procedure Code.

2. The relevant portion of the order dated 03.01.2019 passed by the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, is extracted hereunder:

"4. It is seen from the records that the PW-1 had filed his proof affidavit on 21.02.2013 before the earlier court and the accused were earlier 1st questioned on 08.02.2013. They were questioned under Section 313 Cr.P.C on 10.04.2013. Then the case was later transferred to this Court and the accused had after taking various adjournments had left in evidence on 05.09.2017 and had marked the documents. The DW-1 was cross examined on 19.12.2017 and 03.08.2018. Then the case was posted for the Arguments. The complainant had submitted his arguments on 12.09.2018 itself and the accused had sought for adjournments on 08.09.2018, 12.10.2018, 01.11.2018, 13.11.2018, 20.11.2018 for the defence arguments. It is on that date the present petition was filed to recall the PW-1 for the further cross. It is seen from the petition that the accused had not stated any reason as to why the PW-1 was not cross examined on the aspects stated in the petition. Even no reasons adduced as to the belated filing of the petition after 3 years of cross examination of the PW-1. When the accused had let in elaborate evidence and the complainant side had also argued its case, the present petition in the considered view of this Court is nothing but an attempt to drag on the case further and also to drag the 75 years old complainant endlessly"

3. In view of the above, this Court finds no infirmity or illegality in the order passed by the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, in Crl.M.P.Nos.10947 to 10950, 10957 & 10958 of 2018 in C.C.Nos.546 to 549, 492 & 493 of 2016. Therefore, this Court is not inclined to set aside the same.

4. However, considering the year of the case, the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, is directed to complete the trial within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, these Criminal Original Petitions are disposed of. Connected Mps are Closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

raja
To

The Metropolitan Magistrate,
Fast Track Court IV,
George Town, Chennai.

+lcc to Mr.S.Ashok Kumar , Advocate SR.No. 21947

Crl.O.P.Nos.6078 & 6080 to 6084 of 2019

A.SK(29/03/2019)



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