

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.03.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6190 of 2019
and Crl.M.P.No.3425 of 2019

B.Gomathi,

...Petitioner/Respondent

Vs.

V.Selvaraj

...Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 07.02.2019 in S.T.C.No.86 of 2018 on the file of Special Judicial Magistrate, Special Court for Land Grabbing Cases, Salem.

For Petitioner : Mr.J.Franklin.

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 07.02.2019 in S.T.C.No.86 of 2018 on the file of Special Judicial Magistrate, Special Court for Land Grabbing Cases, Salem.

2.The petitioner filed a petition under Section 311 Cr.P.C., to recall P.W.1 to cross examination. The said petition was allowed by the learned Magistrate by an order dated 29.01.2019 on condition that the petitioner shall pay a sum of Rs.1000/- to P.W.1 on or before 06.02.2019 and post the matter on 07.02.2019. Accordingly, the petitioner also paid a sum of Rs.1000/- to P.W.1 and filed the proof on 07.02.2019. But, the learned Magistrate insisted the counsel for the petitioner to cross examine P.W.1 on the same day itself. But only the junior counsel for the petitioner filed a memo and hence could not cross examine P.W.1. Therefore, the learned Judicial Magistrate closed the evidence of P.W.1 and posted for arguments on 26.02.2019.

3.Considering the facts and circumstances, this Court feels that the petitioner may be given one more opportunity to cross examine P.W.1. Accordingly, this Criminal Original Petition is allowed and the order dated 07.02.2019 in S.T.C.No.86 of 2018 on the file of the Special Judicial Magistrate, Special Court for Land Grabbing Cases, Salem, is set aside.

4.The learned Judicial Magistrate is directed to give one

more opportunity to the petitioner to cross examine P.W.1 on the next hearing date itself, as fixed by the trial Court. If the petitioner fails to cross examine P.W.1 on that date, the learned Judicial Magistrate shall proceed with the trial and pass orders on merits and in accordance with law. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Judicial Magistrate,
Special Court for Land Grabbing Cases,
Salem.

2.The Chief Judicial Magistrate,
Salem.

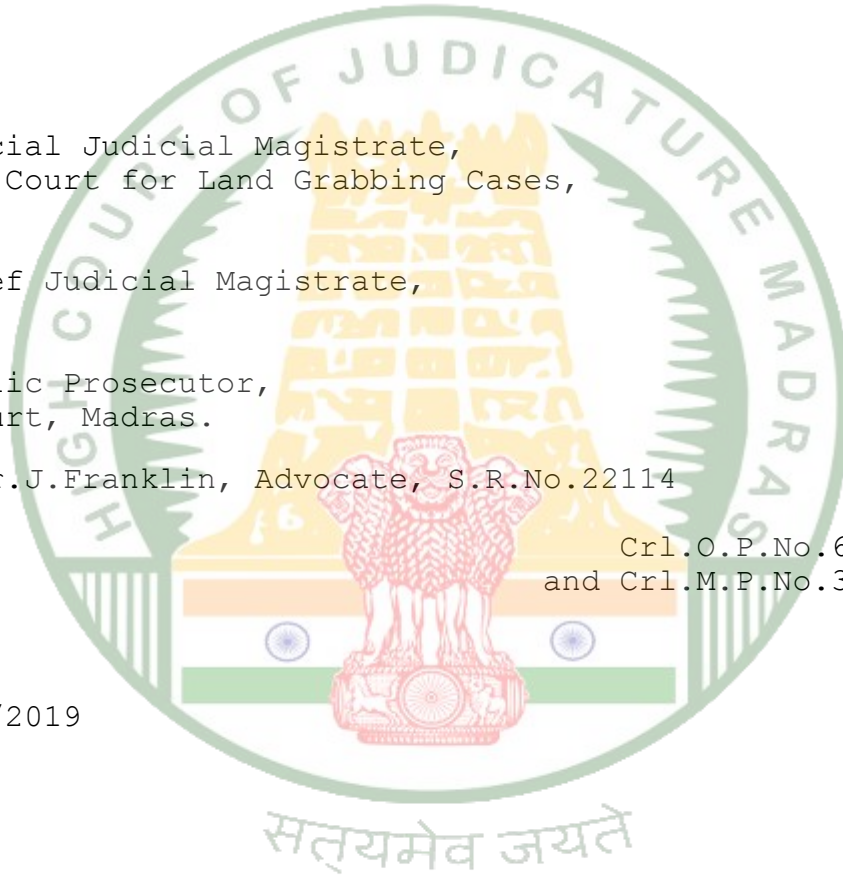
3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Franklin, Advocate, S.R.No.22114

CrI.O.P.No.6190 of 2019
and CrI.M.P.No.3425 of 2019

GJ(CO)

rrs 11/03/2019



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