IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 7079 of 2019
and
Crl.M.P.No.3895 of 2019

1.M/s.Pride Advosory
rep by authorized signatory
N.Anand

2.N.Ananad .. Petitioners

Vs

J.Dhivya .. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Hon'ble Judicial Magistrate No.III, Salem to re-open the evidence of PW-1 in S.T.C.No.882 of 2016 and permit the petitioner to cross-examine PW-1.

For Petitioners : Mr.S.Suresh

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the learned Judicial Magistrate No.III, Salem to re-open the evidence of PW-1 in S.T.C.No.882 of 2016 and permit the petitioner to cross-examine PW-1.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The learned counsel for the petitioner would submit that on many occasions the petitioner as well as the respondent were present before the Court below. On all these occasions the respondent police has brought many witnesses and due to lack of time, the Court below has adjourned the case. He would further submit that the Court below by passed an order dated 29.11.2018 states that "Complainant and accused present. PW.1 present. Today

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posted for PW.1 cross as last chance. Accused several time for cross. Therefore this Court is adjourned this case on payment of cost of Rs.1,000/- by accused to DLSA, Salem to 27.12.2018". He would also submit that on 27.12.2018, when the case was came up for hearing only the counsel came to know about the condition of payment of Rs.1,000/-. The Court below did not accept the said reason given by the petitioner. Hence, the present petition.

4. Considering the facts and circumstance of the case, the petitioner is at liberty to file a petition under Section 311 of Cr.P.C to recall the PW1. On receipt of application the learned Judicial Magistrate No.III, Salem, is directed to consider the same and pass orders on merits and in accordance with law.

5.With the above observations and directions, this Criminal Original petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-d/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mpa/lpp
To

The Judicial Magistrate No.III,
Salem.

+1cc to Mr. S.Suresh, Advocate SR.No. 24378

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ssv (CO)
A.SK(23/04/2019)

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