

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.14670 of 2019
and
CRL.M.P No.7175 of 2019

Amudha ...Petitioner/ Petitioner /
Accused

Vs.

S.Selvam ...Respondent / Respondent /
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed in C.M.P.No.767 of 2019 in C.C.No.1694 of 2017 dated 28.03.2019 on the file of the Metropolitan Magistrate, Fast Track Court - IV George Town, Chennai.

For Petitioner : Mr.N.R.Kaushik

For Respondent : Mr.K.Madhan

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 311 of Cr.P.C to recall PW1 for cross examination.

2. When the matter came up for admission on 13.06.2019, this Court passed the following order:

Notice to the respondent, returnable by 27.06.2019. Private Notice is also permitted. The learned counsel for the petitioner is also permitted to serve notice to the counsel appearing for the respondent before the Court below.

2. There shall be an order of interim stay of further proceedings in C.C No.1694 of 2017 pending on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai till 27.06.2019 on condition that the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand

only) on or before 24.06.2019 in C.C.No.1694 of 2017 pending on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

3. It is made clear that, if the petitioner does not comply with the condition, the stay shall stand automatically vacated and the Court below is directed to proceed further with the case without waiting for any further orders of this Court.

3. The learned counsel for the petitioner submitted that the condition imposed by this Court has been complied with and the petitioner has deposited a sum of Rs.15,000/- on 20.06.2019.

4. The learned counsel appearing for the respondent submitted that the complaint has been pending from the year 2017 onwards and it is being dragged on by the petitioner for the last two years. The learned counsel further submitted that in the event of this Court permitting the petitioner to cross examine PW1, a time limit shall be fixed for the completion of the proceedings in C.C.No.1694 of 2017.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has deposited the amount as directed by this Court, this Court deems it fit to give one last opportunity to the petitioner to recall PW1 for cross examination.

6. The order passed by the Court below in C.M.P No.767 of 2019 in C.C No.1694 of 2017 dated 28.03.2019 is hereby set aside. It is informed that the case is posted for hearing on 04.07.2019. On 04.07.2019, PW1 shall be present before the Court below and he shall be cross examined by the petitioner on the same day. If for any reason, the petitioner fails to cross examine PW1 on 04.07.2019, the petitioner shall forfeit his right to recall PW1 at any future date.

7. In the result, this Criminal Original Petition is allowed and the Court below is directed to complete the proceedings in C.C.No.1694 of 2017, within a period of two months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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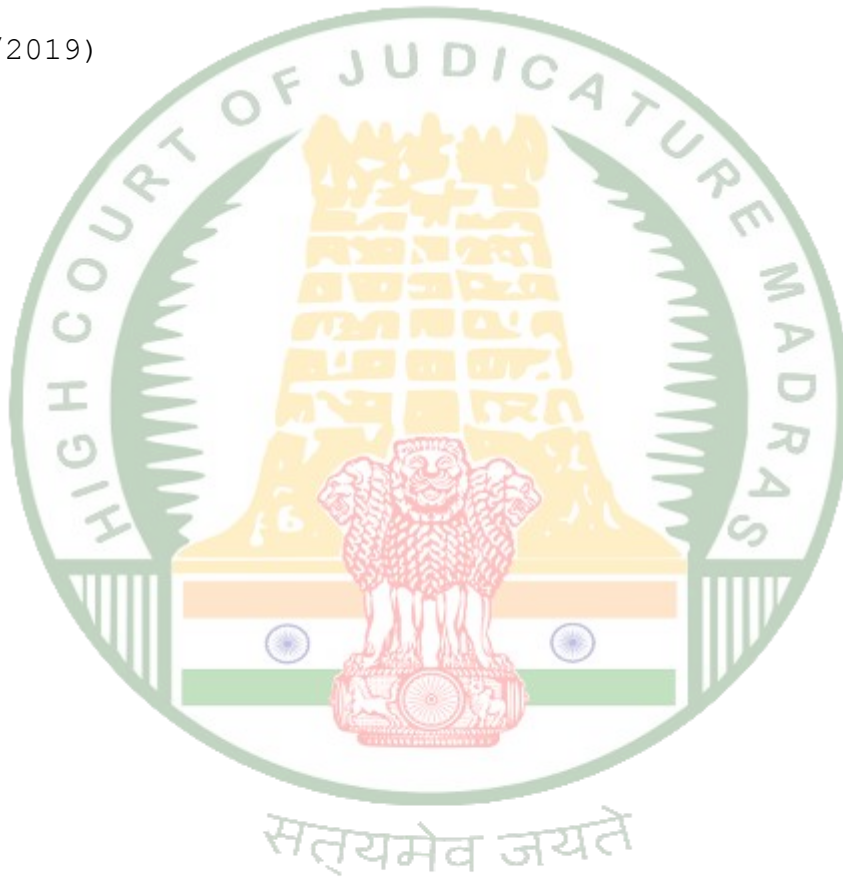
To

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

+1 cc to Mr.K.Madhan, Advocate, S.R.No.53731

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and
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MR(CO)
SSM(01/07/2019)



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