



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14675 of 2019

and

Cr1.M.P.No.7181 of 2019

1.S.Sangeeshakumar

...Petitioner

-Vs-

R.Kandasami

... Respondent

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating the order dated 21.07.2017 made in C.M.P.No.2899 of 2017 in S.T.C.No.58 of 2016 on the file of the learned Judicial Magistrate F.T.C., Hosur, Krishnagiri District.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.A.Balamurugan

ORDER

This petition has been filed against the order passed by the Court below allowing the application filed under Section 311 Cr.P.C. by the respondent for recalling P.W.1 and to mark certain documents.

2. It is seen from records that the chief examination of P.W.1 was completed on 12.06.2017 and he was cross examined on 21.06.2017. Immediately thereafter the respondent had filed a petition to recall P.W.1 and this was allowed on 21.07.2017. This order came to be challenged before this Court by filing the present petition on 07.06.2019 after nearly two years.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4. This petition is liable to be dismissed on the ground of laches. There is absolutely no explanation as to why it took nearly two years for the petitioner to approach this Court for



challenging an order, which was passed on 21.07.2017. Even otherwise, the petitioner will have a fair opportunity to cross examine P.W.1 and also put questions regarding any documents that are marked during further cross examination. Therefore the petitioner will not to be prejudiced by the order passed by the Court below.

5.This Court does not find any illegality or infirmity in the order passed by the Court below to interfere with the same.

6.In the result this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.58 of 2016, on the file of the learned Judicial Magistrate F.T.C., Hosur, Krishnagiri District, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta

To

The Judicial Magistrate F.T.C.,
Hosur, Krishnagiri District.

+1cc to Mr.A.Balamurugan, Advocate, S.R.No.58276

Crl.O.P.No.14675 of 2019

BR(CO)
CS/22/08/2019