

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.21137 of 2019 and
Crl. MP Nos.10899 of 2019

1. Mr.Sandeep Jain
2. Mr.Ramesh Kumar
3. Tmt. Sangeetha Devi ... Petitioners

Vs.

Mrs.Padma Bai @ Rekha ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 05.07.2019 passed in MP No.3559 of 2018 in D.V.C.No.30 of 2015 on the file of the learned VIIIth Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.N.Suresh

O R D E R

This petition has been filed challenging the order passed by the Court below directing the respondent to mark additional documents.

2 The petitioners are facing trial before the Court below in the Domestic Violence proceedings initiated by the respondent. The case was at the stage of further cross-examination of PW1. At that stage, the respondent filed an application under Section 311 of Cr.PC to recall PW-1 for the purpose of marking two documents. The petitioner opposed the said petition on the ground that the documents have no relevance to the case and the same is inadmissible in evidence.

3 The Court below dismissed the petition on the ground that the petition cannot be opposed at the threshold and that the petitioners can always object to it at the time when the document is actually marked.

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

5 This Court does not find any illegality or infirmity in the order passed by the Court below. The order of the Court below does not prevent the petitioners from questioning the relevancy, proof and admissibility of the documents, sought to be marked as Additional documents. That right has been left open to the petitioners. Therefore, the petitioners can always object to the marking of the documents and the Court will decide regarding the same, at the appropriate time.

6. In the result, the Criminal Original petition is dismissed and the Court below is directed to complete the proceedings within the time fixed by this Court in CrI RC No.51 of 2018. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rka
To
The VIIIth Metropolitan Magistrate,
George Town, Chennai.

+2ccs to Mr.M.Suresh , Advocate SR.No. 66935

CrI.O.P.No.21137 of 2019

and CrI.M.P.No.10899 of 2019

A.SK(09/08/2019)

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