

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.04.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.471, 472 of 2017
and Crl.M.P.No.345, 346 of 2017

A.Chinthamani ...Petitioner in both Crl OPs
Vs.

Unnikrishnan ...Respondent in both Crl OPs

PRAYER in Crl.OP.471 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and set aside the order dated 17.11.2016, passed by the Fast Track Judge - Judicial Magistrate Level Number - 2 at Poonamallee, Thiruvallur District, Chennai 600 056 in Crl.M.P.No.4193 of 2016 in S.T.C.No.49 of 2014 and consequently allow the 311 petition filed by the petitioner/accused and permit the petitioner/accused to cross examine the P.W.1 in further with regard to new material documents produced by the respondent/complainant on 17.10.2016, i.e., Ex.P7 and Ex.P8 and other connected materials facts.

PRAYER in Crl.OP.472 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and set aside the order dated 16.12.2016, passed by the Fast Track Judge - Judicial Magistrate Level Number - 2 at Poonamallee, Thiruvallur District, Chennai 600 056 in Crl.M.P.No.5164 of 2016 in S.T.C.No.49 of 2014 and consequently allow the 311 petition filed by the petitioner/accused and permit the petitioner/accused to examine the further defense witness of the Branch Manager, Union Bank of India, Avadi Branch, Chennai 600 054 and the Sub Registrar, Office of the Sub Registrar, Avadi, Chennai 600 054.

For Petitioner : Mr.A.Ramaswamy
in both Crl Ops
For Respondent : No Appearance
in both Crl OPs

C O M M O N O R D E R

These Criminal Original Petition have been filed to call for the records and set aside the order dated

17.11.2016 and 16.12.2016, passed by the Fast Track Judge - Judicial Magistrate Level Number - 2 at Poonamallee, Thiruvallur District, Chennai 600 056 in CrI.M.P.Nos.4193, 5164 of 2016 in S.T.C.No.49 of 2014 and consequently allow the 311 petition filed by the petitioner/accused and permit the petitioner/accused to cross examine the P.W.1 in further with regard to new material documents produced by the respondent/complainant on 17.10.2016, i.e., Ex.P7 and Ex.P8 and other connected materials facts and permit the petitioner/accused to examine the further defense witness of the Branch Manager, Union Bank of India, Avadi Branch, Chennai 600 054 and the Sub Registrar, Office of the Sub Registrar, Avadi, Chennai 600 054.

2.The case of the prosecution is that the trial Court ought to have seen that, it is the duty of the petitioner/accused to bring these important facts, the Court would be enlightened that the complainant has filed the complaint stating false facts. The trial Court did not consider the affidavit filed by the petitioner/accused on 08.11.2016, 16.12.2016 and explain the relevancy and necessity desirability of further cross examination of P.W.1. Hence, the petitioner filed these Criminal Original Petitions.

3.Considering the above facts and circumstances, the petitioner may be given one more opportunity to cross examine the P.W.1. The order passed by the trial Court is set aside. The trial Court is directed to permit the petitioner to cross examine the P.W.1 on the next hearing itself. On payment of necessary charges, if the petitioner failed to cross examine the P.W.1 on the date fixed by the trial Court, the trial Court is directed to proceed the trial on merits in accordance with law. Thereafter, the trial Court is directed to complete the trial within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above observations, these Criminal Original Petitions stands disposed of. Consequently criminal miscellaneous Petitions are Closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rna
To

The learned Judicial Magistrate No.2,
Fast Track Judge, Thiruvallur District,
Chennai - 56.

2. The Public Prosecutor,
High Court, Chennai - 104.

+lcc to Mr.A.Ramaswamy , Advocate SR.No. 40235

+lcc to Mr. A.Ramaswamy, Advocate SR.No. 40231

Crl.O.P.Nos.471, 472 of 2017

ssd (CO)
A.SK(26/06/2019)



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