

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.24684 of 2019

K.Rajendran

...Petitioner/Respondent

Vs

Mrs.Jeya

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order dated 28.08.2019 passed in CMP.No.3994 of 2018 in DVC.No.10 of 2016 on the file of Judicial Magistrate, Thiruvottiyur.

For Petitioner : M/s.Shaikh Mehrunisa

O R D E R

By an order dated 28.08.2019, the petitioner's application filed under Section 311 of Cr.P.C. came to be allowed with a direction that the petitioner shall cross examine P.W.1 on the same day. However, since the cross examination was not done by the petitioner, the order came to be cancelled.

2. The learned counsel for the petitioner would make a sympathetic appeal that owing to the inconvenience of the counsel for the petitioner, the cross examination could not be conducted on 28.08.2019 and that if one opportunity is given to the petitioner herein for cross examination, they are willing to abide by such an order. The learned counsel would submit that they undertake to pay the necessary cost that this Court may fix for such leniency to be extended.

3. Though I do not find any infirmity in the order passed by the Trial Court, by taking a sympathetic view, there shall be a direction to the learned Judicial Magistrate, Thiruvottiyur, Chennai to permit the petitioner to cross examine P.W.1 on 18.09.2019, on condition that the petitioner pays a sum of Rs.2,000/- to the respondent herein by way of costs. The

petitioner shall ensure that the cross examination is completed on the same day without fail.

4. With the above observations, this Criminal Original Petition stands closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

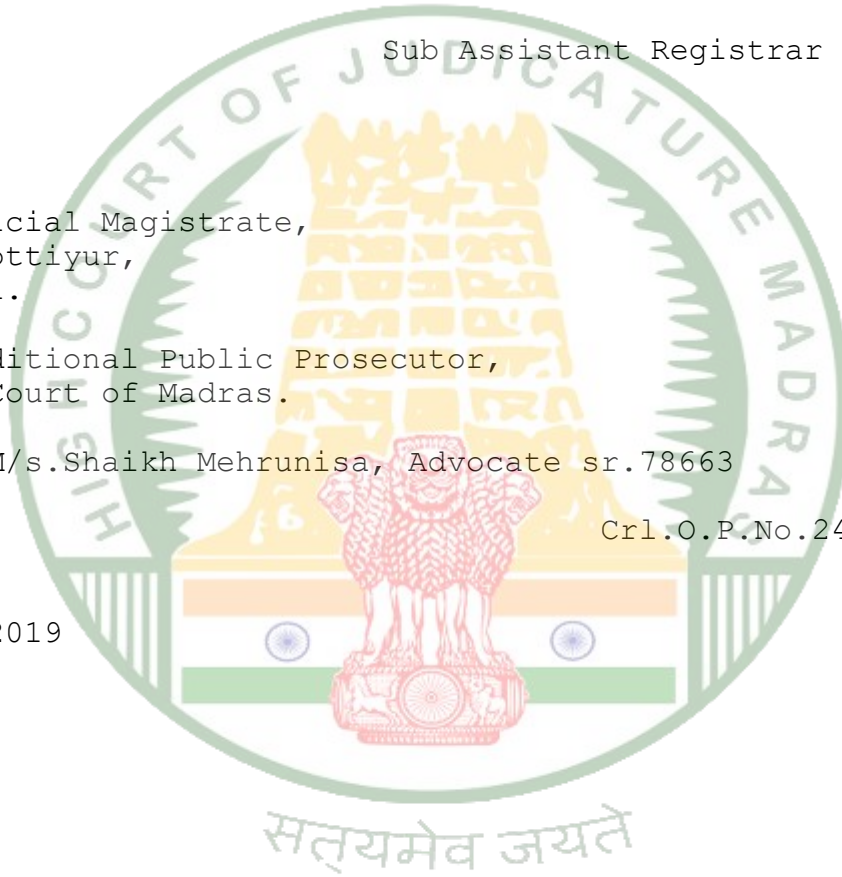
1.The Judicial Magistrate,
Thiruvottiyur,
Chennai.

2. The Additional Public Prosecutor,
High Court of Madras.

+1cc to M/s.Shaikh Mehrunisa, Advocate sr.78663

Crl.O.P.No.24684 of 2019

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