

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.25048 of 2019

&

Crl.M.P.No.13368 of 2019

1.Sri Venkatesa Paper and Boards Ltd.,
Rep by its Managing Director,
M.Soundararajan.

2.M.Soundararajan,
Managing Director,
Sri Venkatesa Paper and Boards Ltd.,

3.Sumathi K.Prasad,
Whole Time Director,
Sri Venkatesa Paper and Boards Ltd.,

4.Meena R.Sampath,
Whole Time Director,
Sri Venkatesa Paper and Boards Ltd.

...Petitioners/Respondents/Accused

..Vs..

New Golder Eagles Paper Converting Works,
Rep by its Proprietor,
S.Purushothaman.

...Respondent/Petitioner/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order dated 07.09.2019 made in Crl.M.P.No. 2999 of 2019 in C.C.No.228 of 2011 on the file of the Judicial Magistrate No I, Udumalpet.

For Petitioner : Mr.Doraisamy, Senior counsel
Mr.P.Saravana Sowmiyan

For Respondents: Mr.S.Purushothaman
(Party in Person)

ORDER

The learned Senior counsel appearing on behalf of the petitioner has raised several grounds challenging the order allowing the petition under Section 311 Cr.P.C. According to the learned Senior counsel, after completion of Section 313 Cr.P.C. questioning, the Trial Court was not justified in allowing the Application under Section 311 of Cr.P.C. The Trial Court by

relying on the decisions of the Hon'ble Supreme Court reported in (2019) 14 SCC Pg 461 in the case of Raja Ram Prasad Yadav Vs. State of Bihar & another which held that if the evidence of any witness appears to be essential in the just decision of the case, it is the duty of the Court to summon, examine, recall or re-examine such person. The powers under Section 311 Cr.P.C. is a discretionary power and the Hon'ble Supreme Court as well as various High Courts have held that the Court should be lenient in allowing such applications in order to find out the truth and render just decision.

2.While that being so, I do not find any infirmity in the order passed by the Trial Court. Since the proceedings are pending from the year 2011 onwards, the Trial Court shall endeavor to complete the trial atleast within a period of three months from the date of receipt of copy of this Order. The documents which are enunciated to be marked will also be subject to its admissibility.

3.Accordingly, the Criminal Original Petition stands closed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

mrm

To

The Judicial Magistrate No.I,
Udumalepet.

+3cc to Mr.S.Purushothaman , Advocate, SR.No.97690.
+1cc to Mr.Mr.P.Saravana Sowmiyan, Advocate, SR.No.97971.

Cr1.O.P.No.25048 of 2019

SSD (CO)
CSR(18/12/2019)

